

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

229

**CWP-19822-2014
Decided on 30.01.2017**

PARDEEP KUMAR

....PETITIONER

VS

STATE OF HARYANA & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Ashok Kaushik, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

AJAY TEWARI, J.(Oral)

In this petition, the petitioner has challenged the order of the respondents whereby he has been replaced by respondent No. 5.

Brief facts of the case are that petitioner had been working with the respondents No. 1 to 4 since June 2007 to March 2011 as a part time Sweeper. Thereafter the respondents No. 1 to 4 advertised full time post of Sweeper-cum-Chowkidar on contractual basis. The petitioner was appointed on 30.03.2011 and his appointment was extended from time to time uptill 11.07.2014. However thereafter by order dated 19.08.2014 respondent No. 5 was appointed on contractual basis in place of the petitioner. In reply the justification was given that on every occasion the petitioner was appointed afresh on contractual basis by holding a selection process.

To my mind, when the petitioner was allowed to continue on contract basis first as part time from 2007 to 2011 and then on full time basis from 2011 to 2014 he could not have been replaced by another

contractual employee as has been held in catena of judgments. It may

be mentioned that respondent No. 5 was duly served but he has not made an appearance and was proceeded against ex-parte on 06.09.2016.

In this view of the matter, the impugned order dated 19.08.2014 is set aside. Petition is allowed and respondents No. 1 to 4 are directed to permit the petitioner to rejoin on contractual basis immediately in case the said post has not been filled up on regular basis and he shall be deemed to have continued in service since 19.08.2014 i.e the date when respondent No.5 was engaged on contractual basis in the place of the petitioner for all purposes except pay and allowances.

30.01.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No