

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

224

**CWP-19172-2015 (O&M)
Date of decision:01.06.2017**

Surender and another

....Petitioners

Versus

Haryana Vidhan Sabha Secretariat and another

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.R. K.Malik, Sr. Advocate with
Mr. Bhupinder Malik, Advocate for the petitioners.

Mr.Sushil Gautam, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

In the present writ petition, petitioners have challenged order of termination dated 23.06.2015, Annexures P2 and P3 respectively. Pursuant to the advertisement No. 1/2016 petitioners are candidates for the post of Peon. Petitioners were appointed on 13.08.2014. When they were working as such, respondents proceeded to terminate services of the petitioners on the ground that petitioners were appointed on temporary basis. Therefore, they have no right to continue in the post since it was only an ad hoc arrangement. Perusal of the advertisement vide Annexure P7, it is evident that nowhere it is stated that proposed to fill up Peon post are on temporary basis or on contract basis. At the same time perusal of order of appointment dated 13.08.2014 it is crystal clear that petitioners were on

probation for a period of 2 years. Whenever an employee is appointed on probation it is deemed that he has been appointed on regular basis such appointment would be subject to declaration of probation. Therefore, order of termination is contrary to the advertisement as well as conditions imposed in the appointment order. Accordingly, Annexure P2 and P3 dated 23.06.2015 are hereby set aside. The petitioners are entitled for all consequential benefits including monetary benefits if any. The same shall be disbursed within a period of 3 months from today. CWP is allowed with the cost of Rs.10,000/-. Cost shall be paid to the petitioners.

01.06.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No