

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-:-

C.W.P No. 19268 of 2015
Date of decision: 01.11.2017

Anil Kumar Ranolia & Anr.

...Petitioners

Vs.

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Manoj Sharma, Advocate, for
Mr. Ritesh Pandey, Advocate, for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. D.S. Nalwa, Advocate, for respondent Nos. 2 and 3.

G.S.SANDHAWALIA, J. (Oral).

The petitioners seek consideration of appointment on preference basis in terms of the advertisement dated 25.06.2015 (Annexure P/6) for post of Clerk-cum-typists on contractual basis. The same was sought on the ground that they had already worked upto 05.05.2015 by virtue of the earlier appointment order dated 20.09.2013 (Annexure P/2). On 14.09.2017 following was passed:-

“ Admittedly, the persons were appointed as Clerk-cum-typist on contractual basis vide a letter dated 18/20.09.2013 (Annexure P/2) for a period of six months initially. They were allowed to continue by various extensions upto to 05.05.2015 (Annexure P/5) on which date they were relieved. They are aggrieved against the re-advertisement dated 25.06.2015 (Annexure P/6) by the Corporation, whereby the same posts have been again advertised on contract basis and therefore, they seek

preference. It is not disputed that the petitioners have also applied in pursuance to the second advertisement.

*Keeping in view of the judgment of the Apex Court in **Hargurpartap Singh Vs. State of Punjab, 2007(3) SCC 292**, this Court is of the opinion that action of the respondent prima-facie does not seem to be justified as an attempt has been made to replace one set of contractual employees with another set of contractual employees leading to exploitation of the petitioners and not making an attempt to appoint on regular basis leading to adhocism.*

Faced with this situation, Mr. Nalwa, prays for time to see that whether the petitioners can be suitably adjusted in pursuance of the advertisement (Annexure P/6).

To come up on 28.09.2017.”

Mr. Nalwa, submits that he has received positive instructions wherein the following proposal was approved:-

“ As per the interview of eligible candidates conducted by the Committee, the Committee found the following 4 candidates in order of merits and recommended for appointment on contractual basis at NP-102 as under:-

- 1. Smt. Saroj D/o Sh. Diwan Singh*
- 2. Smt. Riya Bajaj D/o Sh. Des Raj Bajaj*
- 3. Sh. Navjeet S/o Sh. Mahabir Singh*
- 4. Sh. Anil Kumar Ranolia S/o Sh. Bahadur Singh*

As is evident from the above, the petitioners namely Sh. Anil Kumar Ranolia and Smt. Saroj can be suitably

engaged/adjusted afresh in pursuance of the advertisement dated 04.07.2015 by filling all the four posts of Clerk-cum-typists on the basis of the recommendations of the Committee in order of merit 'mentioned at NP-102' for a period of one year or till the regular staff is made available by HSSC under part-II of the State Govt. Policy dated 06.04.2015 and if agreed to, Legal Cell/Advocate concerned may be asked to intimate this position to the Hon'ble High Court on the next date fixed for 28.09.2017.

The file may kindly be submitted to the Managing Director for consideration/approval of the proposal at 'A' above please.”

In view of the above, the respondent Nos. 2 and 3 shall act upon the above said proposal and the writ petition has thus been rendered infructuous.

Accordingly, the present petition is disposed of as having become infructuous in view of the undertaking given by the respondents, by binding them down with the same.

November 01, 2017
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No