

CWP-20860-2016 (O&M)
COCP-272-2017

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

Date of Decision : 24.03.2017

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COCP-272-2017

Roshan Lal

.....Petitioner

Versus

Hukam Singh

.....Respondent

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CWP-20860-2016 (O&M)

Mukesh Kumar and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Suryakant Gautam, Advocate
for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

AJAY TEWARI, J. (Oral)

This common order shall dispose of above mentioned two petitions.

In petition bearing No. **CWP-20860-2016**, the petitioners have challenged the action of the respondents in replacing the contractual arrangement with another contractual arrangement against regular sanctioned posts for a limited period and relieving the petitioners on the expiry of contractual appointment though no regular appointment has been

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made.

In petition bearing No. **COCP-272-2017** the petitioner has challenged the action of the respondent violating the order dated 16.11.2016(Annexure P-1) passed in CWP-20860-2016 by this Court directing to maintain status quo with regard to the appointment of the petitioner. The respondent dispensed with the services of the petitioner vide its back dated office order (Annexure P-6) w.e.f 30.09.2016.

Brief facts of the case are that the petitioners were all appointed on contract basis by orders Annexure P-1. That order specified that their services would continue for 6 months or till regular selected candidates are available. It is not disputed that before regular selected candidates were available their services were sought to be dispensed with and a new ad hoc arrangement proposed to be made. They approached this Court and on 16.11.2016 notice of motion was issued and order was passed directing the respondents to maintain status quo. As per the reply the petitioner Nos. 1 to 5 were in service on that date and consequently their services are continuing but the petitioner No.6 had been relieved. In the reply, it is also accepted that after the filing of writ petition, the respondents made contractual arrangements by interview on 03.10.2016.

In view of the facts and circumstance, it is clear that the action of respondents is direct contravention of the judgment of the Supreme Court in the matter of **Hargurpratap Singh Vs. State of Punjab LAWS(SC)2003-11-143 decided on 07.11.2003.** However petitioner Nos. 1 to 5 were continuing in service but the service of petitioner No.6 has been

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dispensed with.

In the circumstance, writ petition is allowed and respondents are directed to permit the petitioners No. 1 to 5 to continue till such regular selection are made and to immediately reinstate petitioner No.6 with the same condition.

Learned counsel for the petitioner states that he would not press the contempt petition since the respondents are now bound to re-instate the petitioner No.6. Consequently, the contempt petition is dismissed as having been not pressed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

24.03. 2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No