

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

**CWP No. 25615 of 2014 (O&M)
Date of Decision: 13.01.2017**

Sunil Kumar & Others

...Petitioners

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sukhdev Kamboj, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab
for respondent Nos. 1 and 2.

Mr. Sandeep Khunger, Advocate
for respondent Nos. 3 and 4.

JAISHREE THAKUR, J. (Oral)

CM-183-CWP-2017

Allowed as prayed for. Document is taken on record.

Application stands disposed of.

CWP No. 25615 of 2014

The instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the advertisement dated 26.11.2014 (Annexure P-11) issued for appointment to the posts of Firemen and Drivers on contract basis.

Counsel for the petitioner contends that the petitioners herein were earlier employed as drivers and firemen with respondent on contract basis and on the expiry of the term of the contract, their services came to be dispensed with. Subsequently, an advertisement dated 26.11.2014 came to be

issued seeking appointment of firemen and drivers on contract basis itself. Counsel for the petitioners further contended that such advertisement was wholly illegal as the respondents were proposing to higher persons on contract basis itself without any regular appointment and, thus, the same was not sustainable.

During the pendency of the writ petition, the Municipal Council, Abohar has taken a decision in its meeting held on 23.12.2016 and has passed a resolution No. 47, wherein, it has been decided to appoint the petitioners herein and three more persons, who are having experience of the work of fireman and driver, on contract basis for a period of six months.

Counsel appearing on behalf of respondent Nos. 3 and 4 argues that the resolution has yet to be approved by the local government.

In view of the fact that the said resolution has been passed, wherein, it has been decided to take the petitioners back in service on contract basis, the instant petition is rendered infructuous. However, in case the said resolution is not accepted, the petitioners would be at liberty to revive the present writ petition.

Disposed of accordingly.

January 13, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No