

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.21 of 2017 (O&M)

Date of Decision: March 22, 2017

Ishwar Dass and others

.....Appellants

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.P.S.Jammu, Advocate, for the appellants.

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Surya Kant, J. (Oral)

The appellants' writ petition questioning the order of termination of their services and/or regularization thereof has been dismissed by the learned Single Judge vide order under appeal dated 29.07.2016, for the reason that identical claim was raised by similarly placed employees in CWP No.20452 of 2012 (Yad Ram versus State of Haryana and others) and connected writ-petitions which were dismissed by the learned Single Judge vide order dated 07.12.2012. Letters Patent Appeal filed against that order was also dismissed and the matter has attained finality.

It may be mentioned here that the appellants are working as Swasthya Sahayaks under the Malaria Eradication Programme which is a seasonal work. It may be true that they are engaged for every season and seniority is duly maintained but the very fact that the job of the appellants is seasonal in nature, we are satisfied with the reasons assigned in Yad

Ram's case (supra) that no regular posts for payment of salary throughout

the year can be created, are equally applicable to the case in hand also. A writ Court would be otherwise not in a position to issue directions for creation of posts as such an exercise falls within the domain of executive only. In view of the fact that the controversy has already been settled in the cited case, there is no reason to differ with the view taken by the learned Single Judge.

No case to interfere with the order under appeal is made out.

Dismissed.

[SURYA KANT]
JUDGE

March 22, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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

LPA No.21 of 2017 (O&M)

[3]

CM Nos.27 to 29 of 2017 in
LPA No.21 of 2017

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Ishwar Dass and others versus The State of Haryana and others

Present : Mr.P.S.Jammu, Advocate,
for the applicant-appellants.

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CM No.27 of 2017

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions 48 days' delay in refiling the appeal is
condoned.

CM stands disposed of.

CM Nos.28 & 29 of 2017.

For the reasons mentioned in the applications, the same are
allowed subject to all just exceptions; documents A-1 & A-2 are taken on
record and exemption from filing true/certified copies of the documents is
granted.

CMs stand disposed of.

(SURYA KANT)
JUDGE

March 22, 2017
mohinder

(SUDIP AHLUWALIA)
JUDGE