

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15389-2016 O&M)

Date of decision: 24.07.2018

Shikha Rani and others

...Petitioners

V/s.

National Institute of Technology Kurukshetra  
and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Tejpal Dhull, Advocate for the petitioners  
in CWP Nos. 15456, 15462, 13989 and 15389 of 2016.

Mr. Bakshish Singh, Advocate for  
Mr. Shubhankar Baweja, Advocate for the  
petitioner in CWP No. 12626 of 2016.

Mr. Vikas Singh, Advocate for the petitioner  
in CWP No. 13054 of 2016.

Mr. A.S. Virk, Advocate for the respondents.  
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**RITU BAHRI, J. (Oral).**

This order shall dispose of six petitions bearing CWP Nos. 12626, 13054, 15456, 15462, 13989 and 15389 of 2016. However, the facts are being extracted from CWP No. 15389 of 2016.

The petitioners are seeking writ of certiorari to quash the order dated 31.05.2016 (Annexure P-3) vide which the petitioners have been ordered to be relieved. The facts are not in dispute between the parties that petitioners were appointed as Assistant Professors on contract basis after advertisement and participated in walk in interview. The copy of the advertisement issued in the year 2015 to this effect is attached as Annexure P-1.

Learned counsel for the petitioners has further informed that during the pendency of this writ petition, CM-8628-CWP-2017 made by the

petitioners for granting interim stay was dismissed on 03.07.2017. However, against the order dated 03.07.2017, LPA-1217-2017 was filed and impugned order was stayed on 11.07.2017.

The grievance of the petitioners is that respondents had relieved the petitioners before summer vacation and re-advertised these posts to fill up again by way of contractual appointments. They have referred the judgment passed by Supreme Court in ***Hargurpratap Singh V/s. State of Punjab (2007) 13 SCC 292*** wherein it has been held that contractual employees cannot be replaced by another set of contractual employees and they have to continue to work till regular selection is made. In the present case, the practice of re-advertisement these posts after summer vacation has to be deprecated. A coordinate bench of this Court has disposed of ***CWP No. 14356 of 2016 on 12.08.2016, Indu Saini and another V/s. Board of Governors of National Institute of Technology, Kurukshetra and another*** by giving direction not to replace the petitioners who were working on contract basis by another set of contractual employees. However, the petitioners can be replaced only if their work and conduct is not found suitable and if there is no requirement or substantial reduction in the work load. It is not the case of the respondents that the above said posts have been abolished or there is no work in the institute.

Hence, this writ petition is being allowed and a direction is being given to the respondents to allow the petitioners on contract basis till regular selection is made and keeping in view the judgment passed by coordinate bench in ***Indu Saini's case (supra)***.

The petitioners have further made a prayer that they should be granted minimum pay regular scale for the posts they are working. Keeping

in view the judgment passed by the Supreme Court in *Civil Appeal No. 213 of 2013 titled as State of Punjab and others V/s. Jagjit Singh and others, 2016(4) S.C.T. 641*, the respondents will re-fix the pay with all consequential benefits in view of the above said judgment.

24.07.2018

(RITU BAHRI)  
JUDGE

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|---------------------------|---|--------|
| Divyanshi                 | : | Yes/No |
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |