

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

**CWP No.14153 of 2017
Date of Decision: 07.08.2018**

Bijender Kumar and anotherPetitioners

Vs.

Haryana Seeds Development Corporation and anr.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Jai Bhagwan Sharma, Advocate, for the petitioners.

Mr.Pritam Saini, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

Petitioners are seeking for issuance of a writ in the nature of Certiorari to quash the advertisement for appointment qua the 14 posts of Assistant Seed Production Officer on daily wages basis advertised in the Tribune Newspaper dated 18.03.2017 (Annexure P-1) due to which it is apprehended that their services would be terminated and fresh appointments will be made on the daily wages.

The petitioners are working on contract basis as Assistant Seed Production Officer against the regular sanctioned posts by the competent authority i.e. Haryana Seeds Development Corporation, Panchkula. They are working as such on daily wages basis as per DC rate fixed by the Deputy Commissioner of the District since 30.11.2011 and 03.01.2012. The grievance of the petitioners is that respondent/corporation advertised 105 vacancies for the various post including 14 posts of the Assistant Seed Production Officer in the Tribune dated 15.03.2017. Vide corrigendum dated 18.03.2017 in the Tribune the respondent No.1 cancelled the date of

interview and issued corrigendum to file the application form for the various posts including 19 posts of Assistant Seed Production Officer up to 31.03.2017 (Annexure P-1). Since, the petitioners have been appointed through outsourcing provider, the respondent/corporation wants to employ the persons directly under their control.

Learned counsel for the petitioners submits that their appointment cannot be terminated as they were appointed against the regular sanctioned posts and they are working since 30.11.2011 and 03.01.2012 and since then they are working continuously and there are no complaint and nothing adverse remarks on the record of the petitioners. He further submits that as per terms and conditions of the appointment letter and as per law settled by the Hon'ble Apex Court in the case of Hargurpartap Singh Vs. State of Punjab 2007(13)SCC 292, respondent No.1 cannot terminate the service of the petitioners till the regular appointment of Assistant Seed Production Officer are made.

In view of the above, the present writ petition is allowed by giving directions to the respondents that petitioners be not relieved from the said post till the regular selection is made. If relieved, they may be reinstated forthwith with all consequential benefits.

(RITU BAHRI)
JUDGE

07.08.2018

anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>