IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 12.07.2018

1. CWP No.17164 of 2017 (O&M)

Mamta Kakran and another

...Petitioners

Versus

State of Haryana and others

...Respondents

2. CWP No.2356 of 2018 (O&M)

Renu Devi and others

...Petitioners

Versus

State of Haryana and others

...Respondents

3. CWP No.6353 of 2018 (O&M)

Jyoti Garg and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Kaushik, Advocate,
for the petitioners (in CWP No. 17164 of 2017).

Mr. Mazlish Khan, Advocate,
for the petitioners (in CWP Nos.2356 & 6353 of 2018).

Mr. Gaurav Jindal, Addl. A.G., Haryana.

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Ritu Bahri, J.

This order shall dispose of CWP Nos.17164 of 2017, 2356 of 2018 and 6353 of 2018 together as common questions of law and facts are

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involved in all the petitions.

Petitiones are seeking direction to the respondents not to relieve them during vacations and not to replace them by another set of contractual employees.

The petitioners are working as Assistant Professors/Extension Lecturers. Their precise grievance is that during vacations period, no salary is being paid to them.

Learned counsel for the petitioners has referred to the judgment passed by this Court in ***Mrs. Menka and others vs. State of Haryana and others,*** CWP No.9300 of 2015, decided on 05.05.2016 (Annexure P-4), whereby it has been held that even if, the petitioners have not been appointed against regularly sanctioned posts and are not NET qualified, they shall continue to work till the regular appointments are made or NET qualified persons are available as per the advertisements. It has been further observed that the petitioners (contractual employees) shall work to the satisfaction of the respondents and in case, posts are abolished or their work and conduct is not found satisfactory, their services can be dispensed with by the respondents. Further, reference has been made to a judgment passed by this Court in ***Mrs. Rita Tandon vs. State of Haryana and others,*** CWP No.16975 of 2014, decided on 29.07.2016 (Annexure P-5).

Recently, a Co-ordinate Bench of this Court in ***Anita vs. State of Haryana and others,*** CWP No.20767 of 2017 (decided on 25.01.2018), while dealing with similarly situated Assistant Professors, observed that in case, NET qualified candidates are not available in response to the advertisements inviting applications for Extension Lecturers, then the petitioners, who do not possess NET certificates, will have a right to

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continue as Extension Lecturers for the time being provided their work, conduct and performance is satisfactory. Those petitioners will not be replaced by by a similar arrangement till direct recruitment is made and regular candidates are available for joining the cadre posts. It will be open to the Government to engage the petitioners, who are NET qualified to the exclusion of others. It has been further held that the Extension Lecturers shall be paid Rs.25,000/- per month and they shall be given teaching workload as per University Calendar/State Govt. norms.

The issues involved in the present petitions are fully covered by the aforesaid judgments passed in CWP Nos.9300 of 2015 & 16975 of 2014 (Annexures P-4 & P-5) as well as judgment passed in ***Anita's*** case (supra).

Accordingly, the present petitions i.e. CWP Nos.17164 of 2017, 2356 of 2018 and 6353 of 2018, are disposed of by giving directions to the respondents not to relieve the petitioners till regular selections are made or NET qualified persons are available. The petitioners shall also be paid salary for the vacation period.

(RITU BAHRI)
JUDGE

12.07.2018
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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