

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

**CWP No.25524 of 2016
Date of decision: 17.12.2018**

Daya Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.S. Rawat, Advocate,
for the petitioner.

Mr. Harish Rathee, D. A.G., Haryana.

Ritu Bahri, J.

The petitioner was appointed as Clerk on contract basis vide order dated 02.03.2015 (Annexure P-2). The said appointment was made pursuant to the letter dated 02.04.2014 (Annexure P-1), whereby Director General, Women & Child Development Department, Haryana-respondent No.2 had given direction to all the District Programme Officers of Women and Child Development Department to make appointment to the posts of Clerks, Steno-typists, Junior Stenographers and Senior Stenographers on contract basis for a period of six months or till the regular appointments are made. Thereafter, vide order dated 30.09.2016 (Annexure P-3), a direction was given by respondent No.2 to the District Programme Officers/Women and Child Development Project Officers/Observation Home, Faridabad, Hisar, Karnal and Ambala, to appoint unskilled, semi-skilled and skilled employees for a period of six months on contract basis or till the regular appointments are made (whichever is earlier) through the Service Provider,

Nishchay India, R.O. ITI Chowk, By Pass Road, Sonipat, including the post of Clerk at the office of respondent No.4.

Learned counsel for the petitioner states that this letter (dated 30.09.2016) came up for consideration before this Court in case titled as **Anup Singh vs. State of Haryana and others**, CWP No.24997 of 2016 (decided on 23.08.2018), whereby petitioner (Anup Singh) was to be replaced pursuant to the aforesaid direction given by the Director General, Women & Child Development Department, Haryana. The aforesaid petition was allowed keeping in view that the petitioner could not be replaced by another set of contractual employees.

Learned State counsel has argued that the petitioner has already been replaced by respondent No.5-Director, Service Provider, Nischay India.

In a separate written statement filed by respondent No.5, the only stand taken is that the petitioner is not a regular employee. It is denied that his services were terminated, rather he himself stopped providing his services to respondent-Corporation.

Keeping in view the order dated 23.08.2018 passed by this Court in **Anup Singh's** case (supra), this petition deserves to be allowed, as the petitioner was appointed pursuant to the direction given by the Director General, Women & Child Development Department, Haryana vide letter dated 02.04.2014 (Annexure P-1) on contract basis for six months or till regular appointments were made. His services could not be terminated by newly appointed service provider vide letter dated 30.09.2016 (Annexure P-3). Moreover, the appointments made pursuant to this letter/order, have already been set aside by this Court.

In view of the above discussion, this petition is being allowed and the respondents are directed to re-engage the petitioner on the post of Clerk on contract basis within a period of two weeks from the date of receipt of certified copy of this order.

17.12.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No