

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21871 of 2018
Date of Decision: 30.08.2018

Ram Singh

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Yesh Pal Malik, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

Petitioner is seeking directions to the respondents to grant continuity of service without monetary benefit to the petitioner on his reappointment in service by counting the intervening period for the purpose of length of service with notional consequential benefits.

The brief facts of the case are that petitioner was initially appointed through employment exchange vide order dated 17.01.1997 and thereafter, he was relieved on 27.04.1997 despite the directions have been given by the Director Education to all the District Education Officers to not relieve the employees who have completed 89 days . Thereafter, similarly situated employees like the petitioner had filed CWP No.4599 of 2005 claiming reinstatement of their services and the writ petition was disposed of on 22.03.2005 by giving direction to the respondents to take a decision on their representation by passing a speaking order and in this case, petitioners No.2 and 4 have been appointed vide order dated 06.05.2005 (Annexure P-3 and P-4). In the present case, petitioner alongwith three others have filed CWP No.7927 of 2005 claiming reinstatement which was disposed of on 19.05.2005 by this Court but despite the directions of this Court, the claim of the petitioner was rejected by District Education Officer, Bhiwani/respondent No.2 only on the ground that o post of Social Studies is lying vacant in District Bhiwani. The copy of this order has been attached with the writ petition as Annexure P-5 and P-6 respectively. Although, the claim of the petitioner was rejected on 11.10.2005, he was taken back in

service on 21.12.2005, termed as Guest Teacher and since then he is serving continuously on his post of S.S.Master. Thereafter, petitioner came to know that at that time in the year 1997, 50 posts of S.S.Master were lying vacant, which was evident from R.T.I. Information supplied to the petitioner vide office memo dated 29.07.2013. A legal notice dated 01.10.2016 (Annexure P-21) but no action has been taken and thereafter petitioner has sent a legal notice-cum-reminder dated 15.12.2017 for granting of continuity of service from the date of relieving till re-appointment with only notional benefit, for the purpose of length of service. The copy of the said reminder-cum-legal notice dated 19.12.2017 has been attached with the file. Petitioner has referred to the office order Annexure P-9 to P-16 whereby, similarly situated employees have been granted continuity of service. The claim of the petitioner had been rejected Annexure P-6, mainly on the ground that there no vacant post of S.S.Master for direct appointment.

Without commenting upon the merits of the case, the present writ petition is allowed and direction is being given to respondents/Authority to look into the legal notice (Annexure P-21) keeping in view the office orders Annexure P-9 to Annexure P-16 and decided the same within a period of 6 months from the date of receipt of this copy of order.

(RITU BAHRI)
JUDGE

30.08.2018

anil

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