

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

CWP No.5970 of 2015

Date of Decision: 02.08.2018

Ram Prashad and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms.Anu Chatrath, Senior Advocate, with
Mr.M.M.Pandey, and
Ms.Daljit Kaur, Advocates, for the appellant.

Mr.Hitesh Pandit, Addl.A.G.Haryana.

RITU BAHRI, J. (ORAL)

Petitioner is seeking directions to the respondents to absorb them on regular basis in view of the judgment of Hon'ble Apex Court in SLP No.9230-9231 of 2009 (Annexure P-7).

On 31.03.2015, notice of motion was issued and on that day petitioners did not press the prayer with regard to the regularization as per notification dated 18.06.2014 because, this question has been decided by this Court in the case of Yogesh Tyagi and another v. State of Haryana and others passed in CWP No.17206 of 2014 and only prayer has been made in view of the judgment of Hon'ble Supreme Couret in Hargurpartap Singh Vs. State of Punjab and others 2007 (13) SCC 292.

appointed on the post on instructors as per advertisement (Annexure P-2) and in pursuance thereto, a Selection Committee was constituted and their appointment were made on contract basis on consolidated as per appointment letter (Annexure P-3) and thereafter, petitioner No.111 signed the agreement (Annexure P-3/A). Petitioner No.7 was appointed on the post of Embroidery & Niddle Work Instructors pursuant to the advertisement dated 22.02.2011 (Annexure P-4) and thereafter, petitioner No.7 signed the agreement dated 02.09.2011 (Annexure P-5). All the petitioners are working in the respective places of posting as per advertisement given in paragraph 6 of the paper book.

The respondents in the written statement are not tendering the aforesaid fact. However, the stand taken by them that petitioners cannot claim continuity in service as they were engaged on purely contract basis and legally hey have no right to continue beyond the contractual period and it was clarified that their services are liable to be terminated at any time without any notice or without assigning any reasons.

After hearing counsel for the parties and after going through the writ petition, written statement, appointment of the petitioners have been made as per advertisement (Annexure P-2) and by constituting selection committee (Annexure P-5) on

judgment in the case of Hargurpartap Singh Vs. State of Punjab and others 2007 (13) SCC 292 and Mrs. Menka and others Vs. State of Haryana & ors passed in CWP No.9300 of 2015 Wherein, petitioners/employees cannot be replaced by another set of contractual employees they have right to continue to work till the regular selection is made on minimum to the regular pay scale.

The present writ petition is disposed of by giving directions to the respondents that petitioners shall not be replaced by another set of contractual employees till the regular selection is made and they will be paid minimum to the regular pay scale and the petitioners shall be bound by the terms of appointment letter (Annexure P-3) till the regular selection is made.

(RITU BAHRI)
JUDGE

02.08.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No