

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

CWP No. 8172 of 2016

Date of Decision:-27.09.2018

Sunita Ben Chintamani Mishra and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sajjan Singh Malik, Advocate
for the petitioners.

Mr. Siddharth Sanwaria, DAG Haryana.

RITU BAHRI J.(Oral)

Petitioners are seeking setting aside of order dated 26.4.2016 (Annexure P-4) vide which they have been relieved. Petitioners were working as Lab Attendants on contract basis since 2013/2014 and they were appointed as per advertisement (Annexure P-2). The petitioners are duly qualified as per Rules (Annexure P-2). They have been relieved on 26.4.2016 vide Annexure P-4.

While issuing notice of motion on 03.6.2016 the operation of the impugned order dated 26.4.2016 (Annexure P-4) was stayed and a direction was given that the petitioners shall not be replaced by another set of contractual employees.

The petitioners are continuing working on contract basis till

date and counsel for the State has argued that they can only continue to work till the work load is available and they can be replaced by regularly selected candidates as held by this Court in CWP No.16954 of 2015, case titled 'Anurag Chahal and others vs. State of Haryana and another', decided on 05.5.2016 (Annexure P-7).

The petition at this stage is disposed of by giving direction to the respondents to allow the petitioners to continue to work till the regularly selected candidates are made available. Further direction is being given that they will be given minimum pay-scales as admissible to the regular employees. However, it is made clear that the 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. They will continue to the work till the work load is available and they will be relieved on the principle of 'Last come First go'.

Disposed of.

September 27, 2018
Vijay Asija

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No