

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

**CWP No.3330 of 2017
Date of Decision: 07.08.2018**

Bir Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.D.R.Bansal, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

Petitioners are seeking issuance of a writ in the nature of certiorari for quashing of the order dated 31.01.2017 (Annexure P19) whereby, petitioner has been relieved from the post of Assistant as he has been working since 2013 in the college. He wants the benefit of instructions dated 06.10.2016 (Annexure P-12), whereby the respondents cannot fill up the posts in future replacing the contractual employees with another set of contractual employees except by resorting to regular appointments.

Learned counsel for the State has justified that the relieving order of the petitioner dated 31.01.2017 (Annexure P19) is correct on the ground that on 03.10.2016 in the same post on Mr.Sanjeev Kumar, Deputy Superintendent joined in the college and after the joining Sh.Sanjeev Kumar was working against the post of Assistant and there was no workload in the college for the second post nor there was any sanction post to adjust the petitioner. In the written statement on instruction dated 28.10.2016 (Annexure R-3) has been placed on record wherein, it was specifically provided that if any of the appointment of Assistant is made in violation of the Govt. Instructions his service should be dispensed with by giving him 15 days notice. Learned State counsel has clarified as per Policy (Annexure R-1), advertisement was issued as Annexure R-4 and petitioner was appointed as Assistant at Govt. College for Women Safidon vide letter dated 20.07.2013 and consequently joined there on 20.07.2013. The petitioner was selected and appointed under outsourcing policy Part-II of the Govt. dated 14.02.2013.

It is not a case of the respondent that appointment was made against any rules, hence, there was no need to give notice before relieving the petitioner. Since, Mr.Sanjeev Kumar, Deputy Superintendent has joined on 03.10.2016 and no workload was found in the college, the services f the petitioner has rightly been dismissed.

In view of the above, present writ petition is dismissed.

(RITU BAHRI)
JUDGE

07.08.2018
anil

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