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

COCP No. 2800 of 2017

DECIDED ON: OCTOBER 16, 2019

SWARN SINGH

.....PETITIONER

VERSUS

PRIYANK BHARTI

.....RESPONDENT

AND

2.

COCP No. 2633 of 2017

KULBIR SINGH & OTHERS

.....PETITIONERS

VERSUS

PRIYANK BHARTI

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Param Preet Singh Brar, Advocate
for the petitioners.

Ms. Deepali Puri Sandhu, Addl. AG, Punjab.

AVNEESH JHINGAN, J (ORAL)

This order shall dispose of two contempt petitions, as the similar issues are involved.

For the sake of convenience, the facts are being taken from COCP No. 2800 of 2017.

A bunch of petitions filed aggrieved of relieving of petitioners from different posts consequent upon initial de-notification of the Notified Area Committee, was disposed of on 27.11.2015. The relevant portion of the order is reproduced as below:-

“42. Hence, having concluded that the petitioners were not validly appointed as regular employees pursuant to a resolution (purportedly) issued on 01.06.1999, they at best can now only claim, in equity, appointment on daily wages in the newly constituted Nagar Panchayat, Bhikhiwind, in view of the fact that they had served 5 to 6 years on contractual/ daily wage basis in the municipality, prior to its dissolution/de-notification on 02.07.1999.

43. These writ petitions are, therefore, disposed of, rejecting the prayer of the petitioners for regular pay scales at any point of time and for a right to be absorbed in other municipalities, or even for regular appointment in the now constituted Nagar Panchayat, Bhikhiwind. However, considering the fact that the petitioners in all these petitions worked 5 to 6 years in different capacities in Municipal Council, Bhikhiwind, prior to its denotification in 1999, and the Nagar Panchayat has now again been constituted, the following direction is given:-

In case temporary/daily wage/contractual/ad hoc appointments are to be made to the post/posts on which the petitioners were working as on 30.06.1999, then such appointments be made only from amongst the petitioners, priority being given to that employee who had put in a longer length of service, whether in contractual or in daily wage capacity.

Such appointments, if made in temporary/ daily wage/ contractual/ ad hoc capacity, would continue till such time as regular appointments by due process are made by the municipality, to the posts in question.

No order as to costs.”

The contempt petitions have been filed pleading that the petitioners were not given appointment in spite of directions issued by this Court.

Learned State counsel submits that the employment is being given considering the length of service of the relieved employee. Vide order dated

27.09.2019 directions were given to the Executive Officer to give employment to the relieved employees as per the directions of this Court. The copy of same is annexed with the affidavit dated 11.10.2019 of Sh. Karnesh Sharma, Director Local Government, Punjab. She further submits that after the re-casting of the Municipal Council, Bikhiwind, seniority list was prepared, objections invited and after considering the objections seniority list has been finalized on 29.05.2019. It is contended that only Sukhpal Singh, who was relieved earlier was retained as of now, as he was senior to the petitioners and one Navjeet Kaur is continuing as there is a Labour Court's award in her favour.

Learned counsel for the petitioner submits that the seniority of the petitioners was wrongly fixed as they are senior to Sukhpal Singh. He candidly submits that till date the seniority list has not been challenged by the petitioners.

There is nothing on record to establish that the directions of this Court with regard to the appointment of the petitioners on priority in accordance with the length of service is violated as on date.

The petition is dismissed.

Needless to say that petitioners would be at liberty, if so advised to challenge the seniority list.

Rule issued against the respondent stands discharged.

OCTOBER 16, 2019
sham

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No