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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6415-2019 (O&M)
Date of decision : 18.10.2019

Yashwant

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

AMIT RAWAL, J. (ORAL)

Petitioner has approached this Court with following prayer:-

"Civil Writ Petition under Article 226/227 of the constitution of India for issuance of writ in the nature of certiorari quashing the action of the respondents to dispense with the contractual engagement of the petitioner vide impugned order dated (Annexure P-8) which was duly advertised and he has duly underwent the selection process and replace the same with some other candidate under the garb of joining of regular candidate pursuant to Advertisement No. 11/2015 as the post upon which the petitioner is working was never advertised for regular appointment;

AND

Further prayer for staying the letter dated Nil (Annexure P-8) vide which services of the petitioner dispensed with and directing the respondents to allow the petitioner to continue in

service till the date his increased vacancy for Scheduled Caste candidate is not advertised for regular appointment and joined by such selected candidate or for any other breach of outsourcing policy dated 06.04.2015 (Annexure P-11);

AND/OR

Issue any other appropriate writ, order or direction, which this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the case."

Learned counsel for the respondents/State submits that grievance of petitioner stands vindicated, in view of stand taken in paragraph No.5 of the reply, which reads as under:-

"5. That in view of the above explained position and in compliance with the interim directions dated 11-03-2019 given by this Hon'ble Court, the answering respondent Department of Welfare of Scheduled Castes and Backward Classes, Haryana considered the petitioner's case along with Smt. Pooja Dahiya, Ms. Ritu Sharma and Ms. Monika have been ordered to be taken in service on the post of Statistical Assistant on contractual basis vide office order Endst. No.859-SW-(1) dated 18-07-2019. Their seniority and continuity on contract basis have been retained as such and they have been posted as against the vacant post of Statistical Assistant as mentioned in the said reinstatement office order. The petitioner Yashwant has joined as such on 22-09-2019. Copies of the order dated 18-07-2019 and joining report dated 22-07-2019 are enclosed at Annexures R-1 and R-2. As such, grievance of the petitioner has been redressed and the writ petition has become infructuous."

On juxtaposition of prayer and reply, it is revealed that not only the petitioner has been taken back in service but his seniority and continuity of contract basis have been retained.

In view of above, no cause of action survives in present writ
petition and same is disposed of, as having been rendered infructuous.

18.10.2019
Yogesh Sharma

(**AMIT RAWAL**)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No