

CWP NO.12226 of 2014(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP NO.12226 of 2014(O&M)

Date of Decision: 17.07.2019

Manjit Kaur

.....Petitioner

versus

Director General of Employment and Training, Ministry of Labour &
Employment, Govt. of India, New Delhi and others

.....Respondents

CORAM HON'BLE MR. JUSTICE ARUN MONGA

Present Ms. Rimjhim Mahajan, Advocate
for Mr. Sanjeev Pandit, Advocate for the petitioner.
Ms. Ambika Bedi, AAG, Punjab.
Mr. S.S.Hira, Advocate for respondents no.3 and 4.

ARUN MONGA, J (ORAL)

The grievance of the petitioner is that her services are sought to be displaced by another set of contractual employees vide Advertisement dated 19.06.2014 (Annexure P-4) in violation of the settled principle of law that one set of contractual employee cannot be displaced with another contractual employee.

2. Learned counsel for the petitioner submits that services of the petitioner were hired on contract basis on the post of Embroidery and Needle Work Instructor. She has rendered uninterrupted service ever since the date of her employment on 12.12.2011. Her contract period was to get over on 31.07.2014, however, she was allowed to continue in view of the fact that the post of Embroidery and Needle Work Instructor is perennial in nature in ITI, Haryana, District Hoshiarpur, Punjab.

3. In the return filed by the respondents, a stand has been taken

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that the service contract of the petitioner having come to an end on 31.07.2014, the petitioner is not entitled to seek any further continuation and, therefore, writ petition is liable to be dismissed on that ground.

4. I have heard the learned counsel for the parties and gone through the pleadings.

5. On a pointed query of the Court to the learned counsel for the respondents whether they contemplate to hire a fresh set of contractual employees in place of the petitioner, the learned counsel representing the respondents submits that as per his instructions, currently there is no such proposal. In any case, the Advertisement dated 19.06.2014 (Annexure P-4) by efflux of time has lost its sanctity. In the event, the respondents intend to hire a regular employee in place of the petitioner, they are expected to issue a fresh Advertisement and not proceed on the basis of Advertisement dated 19.06.2014 (Annexure P-4).

6. Writ petition is disposed of with the direction to respondents that in case the petitioner is in service, her services shall not be dispensed with, unless of course, they, in accordance with law, intend to issue an Advertisement for appointment of regular employees on the post of Embroidery and Needle Work Instructor and/or otherwise post of Embroidery and Needle Work Instructor is more needed in the ITI.

7. Disposed of in above terms.

17.07.2019
mamta

(ARUN MONGA)
JUDGE

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