

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-617-CWP-2019 in/and
CWP-11745-2018
Date of decision: 22.01.2019**

Darpan and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashish Pannu, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Ritu Bahri, J. (Oral).

CM-617-CWP-2019

Application is allowed and the main case is taken up on Board today itself for final disposal.

CWP-11745-2018

The petitioners are seeking direction to the respondents to allow them to continue in service as per terms and conditions of order dated 27.02.2018 (Annexure P-6 colly).

The first three petitioners have been appointed on the post of Clerk and petitioner No. 4 has been appointed as Driver and petitioner No. 5 has been appointed as Peon. The appointments were made on contract basis and they were terminated without any notice.

On notice, written statement on behalf of respondents No. 1 to 3 has been filed stating that after the Haryana Staff Selection Commission forwarded 455 candidates for the post of Clerk in the Irrigation Department,

directions were given vide letter dated 16.03.2018 (Annexure R-1) to terminate the services of the contractual Clerks with immediate effect. It is further stated that Sh. Sidharth, Anuj Kumar and Devender Singh have been appointed as regular Clerks in the office of respondent No. 3 and they had joined on 19.03.2018 and copy of the appointment letter is Annexure R-2 and there is no work to retain the contractual Clerks. It is further stated that one driver by the name of Baljit Singh has been appointed through service provider after a lapse of more than two months.

As far as the claim of three petitioners who were Clerks is concerned, writ petition is being dismissed. Keeping in view that one contractual employee has been appointed after relieving petitioner No. 4, this petition is being partly allowed qua him and respondents will immediately relieve Baljit Singh and re-appoint petitioner No. 4. With regard to the relieving of petitioner No. 5, respondents have not appointed anybody, writ petition is being dismissed qua her. However, it has been observed that in future if the appointment on contract basis is made through outsourcing policy, preference will be given to the petitioners as they have been working with the Department without any complaint since 2013. The petitioners can approach this Court for review of this order in case any appointment is made on contract basis for the post of Clerk and Peon.

22.01.2019
Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No