

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

(211)

CWP-2507-2015

Date of Decision: November 18, 2019

Sandeep Kumar & others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Maanipur, Advocate, with
Mr. Sukhmeet Singh, Advocate, for the petitioners.

Mr. Charanjit Singh Bakhshi, Addl. A.G. Haryana.

Mr. Prateek Rathee, Advocate, for
Mr. Anil Kumar Yadav, Advocate, for respondents No. 3 & 4.

Mr. Pankaj Gupta, Advocate,
for respondent No.5.

Mr. Vishva Bahl, Advocate, for
Mr. Harkesh Manuja, Advocate, for respondent No.6.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioners is that the services of the petitioners have been terminated and the persons, who were appointed after the petitioners, have been retained by the respondents, which act of the respondents is contrary to the instructions dated 12.01.2011 (Annexure P-12) issued by the Government of Haryana.

The preliminary objection has been raised by learned counsel for the respondents No. 3 and 4 that the petitioners are raising the grievance of the retention of the employees in preference to them but none of the employees against whom the grievance is raised by the petitioners is a party in the present writ petition and in case the plea of the petitioners is accepted that they should have been preferred over the other employees, while

releasing the employees, the persons who are not party before this Court, will be effected, which cannot be done as no order can be passed against an employee, who is not party to the litigation.

Faced with this situation, learned counsel for the petitioners argues that the post of Data Entry Operator, has been treated as the post of Clerk and even as of now, number of posts of Clerk are lying vacant with the respondent No.2 and therefore, keeping in view the policy dated 12.01.2011, the persons who are earlier engaged, are to be preferred, for retention while relieving the employee in case the services of some of the employees are not needed hence, petitioners should also be given appointment against the available vacancies/workload which exists as of now.

Learned counsel for respondents No.3 and 4 states that as per his information, as of now, there is no work which exist so as to engage petitioners but in case, the petitioners make any representation with the said prayer to the appropriate authority and in case the workload increases at the time of the representation, an appropriate order will be passed after giving due consideration to the plea of the petitioners for giving them priority over the others while making appointment in future.

Learned counsel for the petitioners states that keeping in view the statement given by the respondents, petitioners will make representation raising their claim for appointment against the workload which is already in existence or which will be generated in the future and respondents be directed to decide the said claim in a time bound manner.

Learned counsel for respondents No. 3 and 4 has already undertaken that in case any plea is raised by the petitioners, appropriate

order will be passed considering their claim within a period of three months of the receipt of the said representation and therefore, petitioners will be at liberty to approach the respondents and in case they approach, the respondents will pass appropriate orders as undertaken by them.

In view of the above, the present writ petition is disposed of and the respondents will be bound by the undertaking as recorded above.

November 18, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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