

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

(211-A)

CWP-2522-2015

Date of Decision: November 18, 2019

Sunil and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Yadav, Advocate, for the petitioners.

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

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

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioners very fairly states that regularization policy dated 18.06.2014 (Anexure P-6) has already been set aside by this Court and keeping in view the facts and circumstances of this case, as no regularization policy exists any more, learned counsel for the petitioners does not wish to press this case for regularization.

The second grievance, which is being raised by the petitioners is that while terminating the services of the petitioners, the respondents have retained the persons, who were appointed after them and therefore, the action of respondent No.2 in terminating the services of the petitioners is bad.

Learned counsel for the petitioners further argues that even as of now, there are number of posts of Clerk (as Clerks are now performing the duties of Data Entry Operator), are lying vacant with the respondent No.2 and the work of the post, on which the petitioners discharged the duties still exist and therefore, keeping in view the instructions dated 12.01.2011, which have been issued by the Government of Haryana,

according to which in case there is an availability of work, the employees who have already worked, should be given priority, the petitioners should be appointed by respondent No.2 afresh.

Learned counsel for respondent No.2 states that he has no information with regard to any availability of work as of now but in case, the petitioners feel that there is an availability of work and they can be appointed by giving them priority keeping in view the instructions dated 12.01.2011, petitioners should make representation to the Deputy Commissioner in that regard and in case, any such representation is made, the Deputy Commissioner will pass an appropriate order considering their claim especially in view of the instructions dated 12.01.2011 by passing an appropriate speaking order.

The present writ petition is disposed of. In case, petitioners move any representation for consideration of their cases for appointment against the existing workload on which the petitioners are eligible and are to be filled up in future, respondent No.2 will pass appropriate orders considering the said claim within a period of three months from the receipt of the said representation. In case, the claim of the petitioners is found genuine, an appropriate order in that regard will also be passed.

(HARSIMRAN SINGH SETHI)
JUDGE

November 18, 2019
harsha

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