

CWP-8754-2017 (O&M)

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

**CWP-8754-2017 (O&M)
Date of decision : 15.10.2019**

Narender Yadav and another

... Petitioners

Versus

Kurukshetra University, Kurukshetra

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. A.S. Virk, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

Written statement filed on behalf of the respondent, in Court today, is taken on record, subject to all just exceptions.

Copy given.

The petitioners have approached this Court seeking following reliefs:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondent to allow the petitioners to continue as Assistant Professor in the Department of Physical Education, Kurukshetra University, Kurukshetra till regular appointments are made by the University as the petitioners are working against the regular sanctioned posts and not to terminate or discharge their services and also further directing the respondent not to replace the services of the petitioners with

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other contractual employees. AND also for the issuance of a writ in the nature of certiorari for quashing the action of the respondent in limiting the appointment of the petitioners for a limited period though the function of posts very much exists and the petitioners are working against the regular sanctioned posts.

And further to grant pay of the summer break as per the settled law passed by this Hon'ble Court in CWP No.7535 of 2015, vide order dated 13.12.2016 (Annexure P-5).

AND/OR for issuance of any other appropriate, writ, order or direction which this Hon'ble High Court may deem fit and proper in the facts and circumstances of the case."

Learned counsel for the petitioners submits that petitioners have been working as Assistant Professor on contractual basis since 2016, which fact is evident from the Experience Certificates (Annexures P-1 and P-2) and have been discharging the duties with utmost dedication as well as to the satisfaction of the seniors and their service record had been impeccable. The respondent is adopting pick and choose policy. In support of his contentions, he relies upon the *ratio decidendi* culled out by Hon'ble the Supreme Court in Hargurpratap Singh vs. State of Punjab and others 2007(13) SCC 292.

Mr. A.S. Virk, learned counsel appearing on behalf of the respondent submits that process of filling up the posts on regular basis, vide two advertisements bearing No.02/2017 and 01/2018 (Annexures R-1 and R-3), is already under way, but there is interim order in one of the pending writ petition bearing CWP No.16703 of 2018.

He further submits that as and when the interim order is vacated, process of filling up the posts on regular basis will be undertaken.

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However, at the moment, there is no process for replacing the services of petitioners by another set of contractual employees.

Keeping in view the stand of the respondent/University, I deem it appropriate to dispose of present writ petition with a direction to the respondent not to replace the services of petitioners by another set of contractual employees, till the appointment of regular appointees.

However, it is made clear that if the conduct and work of the petitioners is not found satisfactory, the respondent-University would be at liberty to take action in accordance with law.

15.10.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**