

(1)

CWP-12581-2015(O&M)
Date of decision: 24.07.2019

PHOOL SINGH AND OTHERS

...PETITIONERS

VERSUS

HARYANA POWER GENERATION CORPORATION
LIMITED AND ANOTHER

...RESPONDENTS

(2)

CWP-8549-2017(O&M)

PANKAJ GARG

...PETITIONER

VERSUS

HARYANA POWER GENERATION CORPORATION
LIMITED AND ANOTHER

...RESPONDENTS

(3)

CWP-16933-2019

SOMDUTT

...PETITIONER

VERSUS

HARYANA POWER GENERATION CORPORATION
LIMITED AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Mr. S.K. Kaushik, Advocate
for the petitioners.Mr. R.S. Longia, Advocate
for respondent-HPGCL.Mr. Gurvinder Singh Aulakh, Advocate for
Mr. Nupur Choudhary, Advocate
for respondent No.2.

HARSIMRAN SINGH SETHI, J. (ORAL)**CM-7839-2015**

For the reasons mentioned in the application, the same is allowed.

Letter dated 11.10.2013 as Annexure P-9 and also the information dated 21.03.2014, which is in respect of the petitioners, as given by the XEN/Executive Engineer, Annexure P-10, are taken on record.

CWP-12581-2015

By this order, three writ petitions, the details of which have been given above are being disposed of by this common order as all the writ petitions involves the same question of law and similar facts.

For the purpose of this order, the facts from CWP No. 12581 of 2015 are being taken. The grievance raised in this writ petition as well as the connected writ petitions is that the petitioners, who are working on contractual basis for a definite period though against the sanction post, are going to be replaced with another set of employees on the same terms and conditions, which act of the respondents is contrary to the settled principle of law as settled by the Hon'ble Supreme Court of India in Civil Appeal No. 8748 of 2003 decided on 07.11.2003, wherein, it was held that employees who have been appointed on contractual basis should be allowed to continue and cannot be replaced with another set of employees on the same terms and conditions.

As per the averments made in the writ petition, petitioners were appointed as Data Entry Operator in Panipat Thermal Power Station starting from the year 2011 onwards till 2013. They were continuously working on contractual basis as their contract was being extended from time to time. No extension was given to the petitioners after 2013 and the present writ petition was filed by the petitioners alleging that the respondents are going to replace the petitioners with the another set of employees who are also going to be appointed on contractual basis and therefore, the same should not be allowed. Prayer of the petitioners is to allow them to continue in service as per their appointment order and also not to

same terms and conditions on which petitioners are already working.

On 06.07.2015, notice of motion was issued and a direction was given by this Court that the petitioners will not be replaced by any other contractual employees. After notice of motion, the respondents have filed reply in which they have stated that though the petitioners were appointed as Data Entry Operator on contractual basis but the contract was for a specific period and the said period was being extended from time to time. The last extension granted to the petitioners came to an end on 08.07.2015. It has been further stated that the petitioners are continuing in service at the moment.

Learned counsel for the respondents on the basis of the written statement filed states that there is no intention of the respondents to terminate the services of the petitioners so as to replace them with another set of employees on the same terms and conditions. The services of the petitioners will be continued till the same are required for or till the joining of regular selected candidates whichever is earlier.

Learned counsel for the petitioners states that in view of the statement, wherein, it has been stated by learned counsel for the respondents that the petitioners will not be replaced with another set of employees on contractual basis and the services of the petitioners will be continued till the same are required or the regular selected candidates are available to join on the post of Data Entry Operator, whichever is earlier, petitioners do not wish to press this present writ petition any further.

It is made clear that the statement of learned counsel for the respondents will not come into the effect in case, there is any misconduct alleged against any employee and action is taken qua the said misconduct. The respondents will be free to take appropriate action, in case, any employee who misconduct

during the serivce period, by taking appropriate action in accordance with law.

This present petition stands disposed off in above terms.

24.07.2019

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No