

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

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CWP No.35215 of 2019

Date of Decision : 03.12.2019

Major Singh

....Petitioner

v/s

State of Haryan and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Dalbir Singh, Advocate for the petitioner.

B.S. Walia, J. (Oral)

[1] Learned counsel contends that the petitioner, who was appointed as Peon vide Order (Annexure P-2) dated 28.06.2013 on contractual basis, till joining of regularly selected candidates was relieved on 01.02.2019 vide Order (Annexure P-4) dated 01.02.2019 on account of joining of regularly selected Peon.

[2] Learned counsel contends that Instructions (Annexure P-5) dated 02.02.2019 have been issued by the Chief Secretary to Government of Haryana, as per which, it had been decided that in case of non-technical posts of Group 'D', wherever vacant posts were available and contractual persons had been engaged against such posts, department would send the requisition of the vacant Group 'D' posts to the recruitment authority but continue to retain the existing contractual persons against those posts, till regular candidates join but in case due to joining of candidates, a department had already relieved some persons engaged on contract, the department may re-engage them provided any of above two conditions are fulfilled.

[3] Learned counsel contends that posts of Peon are available in the department and in view thereof, the petitioner is entitled to be re-engaged in the department in terms of Clause-3 of Annexure P-5 dated 02.02.2019, but despite the petitioner having submitted representation (Annexure P-6) dated 11.02.2019, no decision has been taken on the same till date and in the circumstances, the petitioner would be satisfied, if the writ petition is disposed of by directing respondent No.2 to consider and decide the representation (Annexure P-6) dated 11.02.2019, in accordance with law and by taking into account the Instructions (Annexure P-5) dated 02.02.2019 in a time bound manner.

[4] Notice of motion.

[5] Learned Senior Deputy Advocate General, Haryana, accepts notice on behalf of the respondents/*State* and states that he has no objection to the innocuous prayer of learned counsel for the petitioner.

[6] Without commenting on the merits of the claim or the entitlement of the petitioner to be re-engaged, the writ petition is ***disposed of*** by directing respondent No.2 to consider and decide the representation (Annexure P-6) dated 11.02.2019, in accordance with law within a period of 06 weeks from the date of certified copy of this order.

(B.S. Walia)
Judge

December 03, 2019
'Rajneesh'

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