

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

(347)

**CWP-12535-1996 (O&M)
Decided on: March 04, 2020.**

Naresh Kumar and Anr.

.... Petitioners

Versus

State of Haryana and Ors.

..... Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioners.

Mr. Hitesh Pandit, Additional Advocate General Haryana.

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RITU BAHRI, J. (Oral)

The present writ petition has been filed for quashing the impugned order (Annexure P/6) thereby granting the extra-ordinary leave for over 01 year to 2 ½ years to the private respondents during the period they were not at all in the service of the respondent-department and for quashing the order (Anneuxre P/7) to the extent that respondent Nos. 3 to 6 have been placed senior to the petitioners by treating them to be in continuous service from their first appointment on ad hoc basis with further quashing of the impugned order (Annexure P/8) to the extent of promotion of the respondent No.3 to the post of Sub Divisional Officer over the heads of the petitioners.

The brief facts of the case are that the private-respondents were appointed on ad hoc basis as Junior Engineers on 11.11.1980, 25.08.1981

and 21.08.1981. After terminating their services they were again appointed on ad hoc basis and finally their services were regularized on 01.11.1986. However, petitioners were appointed on ad hoc basis on 29.09.1983 and 10.07.1984. The respondents have also placed on record the order dated 11.04.1989 passed by this Hon'ble Court whereby the services of the petitioners were terminated on 25.08.1983 and along with the services of the petitioners, services of some other Junior Engineers were also terminated by the Officers who did not have even the jurisdiction to do so.

The respondents have also placed on record order (Annexure R/3/3) titled as **Harish Kumar Gupta Vs. The State of Haryana and others.,** whereby before a Division Bench of this Court a statement was made by the Additional Advocate General that the impugned termination order has been withdrawn. Thereafter, vide judgment passed by this Court (Annexure R/3/4) in **Harish Kumar Gupta's case (supra),** the Department has passed the order setting aside the leave period treated as leave of the kind due and direction was given to make payment of all arrears by treating the period as duty period. However keeping in view the above said orders the respondent-Department had to consider the initial date of appointment of those employees from 1980-1981 and the petitioner's date of appointment has been taken as 29.09.1983 and 10.07.1984 and hence they have been taken to juniors to the private-respondents. As per the reply filed by the respondents they have been given continuity of service keeping in view the judgment passed by this Court (Annexures R/3/3 and R/3/4). Hence they have been rightly taken senior to the petitioners. Even no replication has been filed to denial the execution of the judgment passed by this Court in orders (Annexures R/3/3 and R/3/4).

Keeping in view the above, this Court finds no merits in the present writ petition.

Dismissed.

March 04,2020
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(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>