

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

**CWP No.8405 of 2020 (O&M)
Date of Decision: 11.11.2020**

Bhupinder Singh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. U.K.Agnihotri, Advocate for the petitioners.

Mr. Vishal Malik, DAG, Haryana for the respondents.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 01.05.2020 (P-13), terminating the services of the petitioners w.e.f. 08.05.2019. Further prayer is for setting aside the impugned advertisements dated 26.05.2020 and 27.05.2020 (P-21 colly.) for making fresh appointment under Outsourcing Policy replacing the petitioners by other temporary employees. Further prayer is to direct the respondents not to replace the petitioners against the posts held by them and to continue them in service till the regular appointments are made.

In response to the notice of motion, issued by the co-ordinate Bench, short reply by way of affidavit dated 03.11.2020 of Commanding Officer, 1st Haryana Girls Battalion NCC, Arya Girls College Complex, Ambala Cantt. on behalf of respondent Nos.1 to 3 & 7 was filed. Para 5 & 6 thereof read as under:-

“5. That in compliance of the interim direction of the Hon’ble High Court the petitioners have been allowed to continue on his respective posts, petitioner No.4, 5 & 6 w.e.f. 05.08.2020. Further the answering respondent No.2 has directed the answering respondent No.07 to allow the petitioners 4 to 6 to continue on the posts as per the Outsourcing Policy Part-II of the State Government subject to condition that their work and conduct remain satisfactory.

6. That now the claims of the petitioners No.4 to 6 have been settled and at this stage there is no cause of action surviving against the answering respondents and the present writ petition has rendered in-fructuous.”

Short reply of Commanding Officer, 2nd Haryana Battalion, NCC, Ambala Cantt. on behalf of respondent No.5 was also filed. Para 5 & 6 thereof read as under:-

“5. That in compliance of the interim direction of the Hon’ble High Court the petitioners have been allowed to continue on their respective posts w.e.f. 04.08.2020. Further the answering respondent no.2 has directed the answering no.5 to allow the petitioners no.1 & 2 to continue on the posts as per the Outsourcing Policy Part-II of the State Government subject to condition that their work and conduct remain satisfactory.

6. That now the claim of the petitioner no.1 & 2 have been settled and at this stage there is no cause of action surviving against the answering respondents and the present writ petition has rendered in-fructuous.”

Similarly, short reply dated 29.10.2020 of Col. S.K.Sood, Commanding Officer in Command-12, Haryana Battalion, NCC, Sonapat on behalf of respondent No.6 was also filed. Para 5 & 6 thereof read as under:-

“5. That as per the interim direction of the Hon’ble High Court the answering respondent has allowed petitioner no.3 to join services. The respondent no.6 has allowed the petitioner no.3 to continue on the posts as per the Outsourcing Policy Part-II of the State

Government subject to condition that their work and conduct is satisfactory.

6. That on 17.08.2020, the claim of the petitioner no.3 has been satisfied in view of this Hon'ble Court order and at this stage there is no cause of action surviving against the answering respondent and the present writ petition has rendered in-fructuous."

In compliance of previous order dated 09.11.2020, learned State Counsel has given an assurance that as per letter dated 10.11.2020 (Mark 'X'), received from respondent No.2, petitioner Nos.7 to 9 have been allowed to continue on their respective posts and in terms of para 5 of the aforesaid affidavits, they will continue subject to the condition that their work and conduct remain satisfactory.

Since the respondents themselves have allowed the petitioners to continue on their posts as per the Outsourcing Policy Part-II of the State Government subject to condition that their work and conduct remain satisfactory, therefore, no cause of action survives in the writ petition.

In view of the above, the present writ petition is rendered infructuous.

Ordered accordingly.

Since the main petition stands disposed off, therefore, the pending applications, if any, shall also stand disposed off.

Needless to say that respondents shall remain bound by the averments made in para 5 & 6 of their respective affidavits, extracted hereinabove.

November 11th, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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