

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10427-2011

Date of decision: 20.01.2020

Kadam Singh

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Jagdish Manchanda, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G., Haryana.

RITU BAHRI, J. (Oral).

By this petition, the petitioners are seeking direction to the respondents to absorb them in the Govt. Department as they had already worked with the respondents for a substantial period in the Education Department.

The case of the petitioners is squarely covered by the judgment passed by this *Court in CWP-11573-2002 titled as Raj Singh Sandhu and others V/s. State of Haryana and another* in which the claim of the petitioners to seek absorption against the post of Social Studies Masters had been rejected. The petitioners had been engaged as Instructor under the aegies of Adult Education Scheme on various dates between the years 1981 to 1987 purely on part time basis. Thereafter on 14.11.1999 State Government had invited applications for 2127 posts of Social Studies Masters and the petitioners approached this Court by way of filing CWP-4651-2002 for seeking direction that they should be absorbed before making

fresh appointments while referring to the Supreme Court judgment passed in ***Writ Petition (C) No. 503 of 1992 titled as Karamvir Singh and others V/s. State of Haryana and others.***

However the Supreme Court passed subsequent order dated 06.09.1993 in the case of ***Jai Karan and others V/s. Union of India and others*** whereby the services of employees had been dispensed with on account of closure of an Adult Education Scheme and the employees were seeking direction as regards absorption. The Supreme Court held that they cannot give any direction to State Government or the Central Government to continue the schemes which is the executive policy of the Government and with regard to absorption, since the posts have been abolished, even no direction can be given for absorption.

Keeping in view aforesaid Supreme Court judgment, LPA No.10 of 2015 has also been dismissed on 08.03.2017 and while dismissing the LPA reference was made to Coordinate Bench judgment dated 12.08.2014 whereby LPA No. 1224 of 2013, 1388 of 2013, 1389 of 2013, 1810 of 2013 and 1811 of 2013 had been dismissed. The SLP filed against the Division Bench judgment has been dismissed. Even review application has also been dismissed, order dated 30.05.2013 passed in CWP-11573-2002 has attained finality.

Keeping in view above, this writ petition is also dismissed.

(RITU BAHRI)
JUDGE

20.01.2020
Divyanshi

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