

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

1.	CWP No. 10310 of 2016	
Satish Kumar and anr.	versus	...Petitioners
State of Haryana and others		..Respondents
2.	CWP No. 10821 of 2016	
Charan Singh	versus	Petitioner
State of Haryana and others		..Respondents
3.	CWP No. 18717 of 2016	
Devi Lal	versus	Petitioner
State of Haryana and ors.		..Respondents
4.	CWP No. 13443 of 2016	
Shannti	versus	...Petitioner
State of Haryana and others		...Respondents
5.	CWP No. 20501 of 2016	
Naresh Kumar	versus	...Petitioner
State of Haryana and others		...Respondents
6.	CWP No. 24603 of 2016	
Lakhvinder Singh	versus	...Petitioners
State of Haryana and others		...Respondents
7.	CWP No. 7438 of 2017	
Ami Chand	versus	...Petitioner
State of Haryana and others		...Respondents

8. CWP No. 22677 of 2016

Sukhbir Chand ...Petitioner

versus

State of Haryana and others ...Respondents

9. CWP No. 22000 of 2018

Onkar Singh ...Petitioner

versus

State of Haryana and others ...Respondents

10. CWP No. 26557 of 2018

Surjit Singh and anr. ...Petitioner

versus

State of Haryana and others ...Respondents

11. CWP No. 14300 of 2019

Nirmala ...Petitioners

versus

State of Haryana and others ...Respondents

12. CWP No. 14397 of 2019

Rishipal and ors. ...Petitioners

versus

State of Haryana and others ...Respondents

13. CWP No. 4123 of 2019

Vinod Kumar ...Petitioner

versus

State of Haryana and others ...Respondents

14. CWP No. 16657 of 2019

Ram Mehar Singh and ors. ...Petitioners

versus

State of Haryana and others ...Respondents

15. CWP No. 8616 of 2019

Pawan and ors. ...Petitioners

versus

State of Haryana and others ...Respondents

16. CWP No. 15998 of 2019

Raj Kumar and ors. ...Petitioners

versus

State of Haryana and others ...Respondents

17. CWP No. 13079 of 2019

Raghubir Singh and anr. ...Petitioners

versus

State of Haryana and others ...Respondents

18. CWP No. 7296 of 2019

Manoj Bisht and ors. ...Petitioners

versus

State of Haryana and others ...Respondents

19. CWP No. 23264 of 2018

Kawar Pal ...Petitioner

versus

State of Haryana and others ...Respondents

Date of Decision:10.02.2020

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.S. Adalakha, Advocate,
Mr. Parveen Bhardwaj, Advocate,
Mr. Gautam Diwan, Advocate,
Mr. J.S. Saneta, Advocate
for the petitioners

Mr. Abhishek Sethi, Advocate
for Gram Panchayat

Mr. Chirag Wadhwa, Advocate
for respondent No. 7 in CWP No. 24603-2016

Mr. Sumit Gupta, Advocate
for respondent No. 6 in CWP No. 22000-2018

Mr. Randhir Singh, Advocate
for State of Haryana

RITU BAHRI, J.

This order shall dispose of the above nineteen petitions as common question of facts are involved in all the petitions wherein petitioners are seeking issuance of directions to the respondents not to replace them with the same set of employees, in the absence of regular employees. However, the facts are being taken from CWP No. 10310-2016.

The petitioners are working as part time Water Pump Operator in separate villages for the last more than 05 years. They are working to the satisfaction of the villagers as per statement/certificate (P-8) given by the villagers. After formation of new Gram Panchayat, the petitioners were told that they will be replaced by another set of Pump Operators.

While issuing notice of motion in all the petitions, it was ordered that they be not replaced unless their work and conduct is found to be unsatisfactory.

At the very outset, reference has been made to *judgment dated*

25.07.2017 passed in CWP No. 12669-2016 titled as Sher Singh vs. State of Haryana and others wherein also petitioners who were working as Part Time Pump Operators were seeking directions that their services be not terminated or replaced by other such daily wager employees on temporary basis. The petitions were disposed of, as learned counsel appearing for Gram Panchayat has brought to the notice of the Court the instructions dated 13.10.2010 and as per these instructions, the Gram Panchayat can only recruit persons even as Pump Operators who have at least a qualification of Secondary School Education, preferably also having passed a certificate from an Industrial Training Institute. Even LPA No. 1728-2017 filed against judgment dated 25.07.2017 has been dismissed on 02.04.2018.

In view of the above factual position, the writ petitions are disposed of with a direction to the respondents to allow the petitioners to continue to work as Water Pump Operators, till the regular selected Water Pump Operators joins, as per the instructions dated 13.10.2010, subject to the condition that their work and conduct is satisfactory. They shall not be replaced by another set of contractual employees.

It is further directed that in the above writ petition, where the services of petitioners have already been terminated, they be taken back into service, within a period of one week. Further the Gram Panchayat is at liberty to give notice to the Water Pump Operators against whom number of complaints are pending and pass the order, after giving opportunity of hearing, in accordance with law, if need be.

(RITU BAHRI)
JUDGE

10.02.2020
G Arora

Whether speaking/reasoned
Whether reportable

Yes
No