

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14415 of 2017

Date of Decision: February 3, 2020

Parmod and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Tarun Sharma, Advocate for
Mr. P. S. Jammu , Advocate
for the petitioners.

Mr. Hitesh Pandit, Addl. Advocate General, Haryana.

RITU BAHRI, J.(Oral)

Learned counsel for the State has informed that as per the reply filed by the respondents, the petitioners along with other persons as per letters dated 24.6.2015 and 3.8.2015 (Annexures R-1 and R-2) under the Gram Rozgar Sahayak scheme were removed. Since the petitioners are not in service no question of regularization of service arises and petitioners were being paid as per letter dated 30.3.2007 issued by the Government of India, Ministry of Rural Development NREGA Division, New Delhi. There was no permanent post to which the petitioners can be retained or regularized and further vide order dated 7.7.2017 the petitioners had given up the claim for regularization. In the case of the petitioners the petitioners were employed under the guidelines of letter dated 28.5.2008 (Annexure R-6) after staffing position was reviewed and petitioners were removed from the service. As per letter dated 3.8.2015 (Annexure R-2) after removing the

petitioners the Commissioner MGNREGS-cum-Additional Chief Secretary to Government of Haryana, Rural Development Department reviewed the remuneration of contractual staff deployed at districts/blocks/GP level w.e.f. 8.11.2016 (Annexure R-7). Since the petitioners are not working since the year 2015 there is no question that they will be replaced and no appointment has been made pursuant to the advertisement dated 10.11.2015 (Annexure P-2).

He further submits that with regard to enhancement of honorarium the said letter was withdrawn by Government on 18.6.2015 (Annexure R-8), hence the petitioners are not entitled for higher honorarium after being relieved.

Counsel for the State has referred to CWP No.2445 of 2016 Buta Ram and others Vs. State of Haryana and others decided on 24.4.2018 whereby the petitioners had challenged the process of selection whereby revised qualification has been prescribed by the Government of India in its letter dated 28.5.2008 and after participating in the selection process they were rejected. The writ petition was dismissed by relying upon the judgment of the Supreme Court in **Gridco Limited and another Vs. Sri Sadananda Doloi and others 2011 (15) SCC** that a contractual employee cannot claim protection but the Court could always examine whether there was any element of unfair treatment. The writ petition was dismissed with this observation.

In the present case, the petitioners are not only seeking enhancement of remuneration but also to protect their job under Rozgar Sahayak under MGNREG Scheme. When the petitioners are not in service the question of replacement and enhancement of remuneration does not

arise. The writ petition is dismissed.

The petitioners at best have a right to participate in the process when any public notice is issued for engaging staff by the Gram Rozgar Sahayaks under MGNREG Scheme.

February 3, 2020
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No