

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

116 - CWP-19512-2020 (O&M)

Date of Decision: 17.11.2020

Rakesh & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Sachin Gupta Ladwa, Advocate for the petitioners

Mr. RS Budhwar, Addl. AG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioners have filed the present writ petition *inter alia* seeking a direction for joining them as per the instructions (P1) and not to replace the petitioners with other contractual employees.

Learned counsel for the petitioners submits that approximately around July, 2017, the petitioners were engaged as Sweepers/similar posts of Sanitary workers etc. They were engaged in the Municipal Committee, Safidon under a scheme. He submits that in view of the decision taken in the meeting of the Council of Ministers held on 30.08.2019, circulars were issued by the Department of Urban Local Bodies to all concerned. In these circulars, it was *inter alia* pointed out that such of the Sweepers approximately more than 5000 and other sanitary workers who were in various Municipalities of the State on 24.05.2018 and are also presently working to be taken on the rolls of the concerned Municipalities on the basis of monthly salary that they are currently receiving through contractor/agency. Learned counsel for the petitioners submits that in this regard on 10.04.2020, a letter was also received from the office of Director, Urban Local Bodies, Haryana to various authorities on the

letter that the Department was informed by the Union that 12 Municipal Committees mentioned in the letter had not allowed respective employees to rejoin their duties.

Learned counsel for the petitioner submits that for the aforementioned grievance/demand, the petitioner has got served a legal notice dated 22.06.2020 (P6) which has not been decided by the authorities till date.

Notice of motion.

On the asking, Mr. RS Budhwar, Addl. AG Haryana accepts notice through video conferencing.

Having heard learned counsel for the parties and without commenting upon the merits of the case, this Court deems it appropriate to dispose of the writ petition by directing respondents No.2 & 4 to consider and decide the petitioners' claim as raised in legal notice (P6) as early as possible and preferably within three months from the date of receipt of certified copy of this order.

At this stage, learned counsel for the petitioners submits that the petitioners be given an opportunity to explain their position. It is therefore directed that in case a specific request is made considering the necessity, the competent authority may grant an opportunity of hearing to the petitioners before the speaking order is passed.

So ordered.

17.11.2020

vishal shonkar

1. Whether speaking/reasoned?
2. Whether reportable?

(Girish Agnihotri)
Judge

Yes/No
Yes/No