

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CWP-35281-2019

Date of decision: 12.10.2020

Rambhool Sharma

.....Petitioner

versus

Haryana State Seed Certification Agency through its Director

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Dr. Bhagwat Dayal Sharma, Advocate
for the petitioner.

Mr. Rajesh Gaur, Advocate
for the respondent.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Rambhool Sharma, has filed the present petition *inter alia* with a prayer for issuance of writ in the nature of certiorari to quash the impugned order dated 11.11.2019 (Annexure P-6), vide which representation dated 26.08.2019 (Annexure P-5) of the petitioner was rejected by the respondent and further prayer is for quashing of the action of the respondent terminating the services of the petitioner w.e.f. 01.04.2019 and replacing with similar situated employee on contract basis vide order dated 07.02.2019 (Annexure P-3) and order dated 05.08.2019 (Annexure P-4).

Learned counsel for the petitioner, based on the pleadings, submits that the petitioner is a qualified person and accordingly, when the respondent-Corporation required his services, on 03.07.2017, he was engaged on contract basis as Seed Certification Officer, vide letter dated 03.07.2017 (Annexure P-1). It is contended by counsel for the petitioner that vide letter dated 13.09.2018 (Annexure P-2), the petitioner was granted further extension upto 31.03.2019. He then submits that accordingly, the petitioner worked from July 2017 till March 2019 and has thus, served the Corporation for more than 1 ½ years.

Records of the case show that on 04.12.2019, notice of motion was issued by this Court. Vide order dated 24.08.2020, the case was ordered to be listed for specific date.

Today, Mr. Rajesh Gaur, Advocate, appears for respondent No.1 and written statement on its behalf, has been filed. In the written statement, it has been stated that it is correct that the petitioner was engaged on 03.07.2017 during the peak season of seed certification activities, as Trainee/Seed Certification Officer. It is then submitted that as is evident from Annexure P-3, the respondent-Agency had written to The Chief Seed Certification Officer, Sirsa, to appoint Seed Certification Officers on contract basis. It is specifically pleaded in Para 3 of the preliminary objections of the written statement, filed on behalf of the respondents, that therefore the petitioner cannot say that persons engaged as Seed Certification Officer are wrongly engaged and thus, the petitioner cannot raise better claim than the said persons.

While this Court finds no merits to quash the action of the respondent-Corporation in engaging the Seed Certification Officer, who were

engaged w.e.f. April 2019, yet, in peculiar facts and circumstances as notice above, deems it appropriate to dispose of the writ petition with following directions:-

- (i) *The Competent Authority shall make an assessment regarding the work load and as submitted by counsel for the petitioner and also as noticed in Para 2 of the preliminary objections of the written statement, the respondent-Agency did find the need of Seed Certification Officer in the year 2017. If the work requirement still persists, the petitioner, who has actually worked for more than one year & eight months, be given preferential consideration for reinstatement/re-engagement on contract basis.*
- (ii) *The Competent Authority, finding the petitioner to be deserving for the re-engagement on contract basis for the post of Seed Certification Officer, would allow the petitioner to join his services and such continuation in service will however be subject to the regular recruitment and good work and conduct of the petitioner.*

Let the needful be done within one month from the date of receipt of copy of this order.

A copy of this order be sent to the Competent Authority, by the Registry through e-mail or any other mode, so as to enable the said authority to do the needful expeditiously.

Civil Writ Petition is disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

12.10.2020
anju rani

Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No