

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.6137 of 2021

Date of Decision: 17.03.2021

Balbir Singh and others

....Petitioners

VERSUS

State of Haryana and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. U.K. Agnihotri, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

Prayer in the present petition under Articles 226 and 227 of the Constitution of India is for issuance of a direction to the respondents to appoint/engage the petitioners under Outsourcing Policy-II on the post of Peon.

Learned counsel for the petitioners would contend that the petitioners have been working for a long time as Peons in the Directorate of Prosecution, Haryana and their services were terminated vide order dated 23.01.2019 on the ground of joining of regular appointees on the posts of Peons. Thereafter, the Chief Secretary, Government of Haryana issued instructions dated 02.02.2019 in view of the provisions of Haryana Group 'D' Employees (Recruitment and Conditions of Services) Act, 2018 stating therein that there were many posts which are still lying vacant but the departments have been relieving the contractual employees before the appointment of regular candidates. It is further instructed that in case of non-technical posts of Group-D, wherever further vacant posts are available

and contractual persons have been engaged against such posts, the department shall send the requisition of the vacant Group-D posts to Recruitment Authority but could continue to retain the said existing contractual persons till the regular candidates join. It was also instructed that in case due to joining of candidates the department relieved some persons engaged on contract, the department may re-engage them. Learned counsel for the petitioners further contends that several representations were given by the petitioners for re-engaging the services of the petitioners but of no avail. The petitioners thereafter sought information under the RTI Act, 2005 on two occasions and even as per information received by them on 24.08.2020, there are still some posts lying vacant. Learned counsel for the petitioners contends that in this regard a legal notice has been served upon the respondents on 07.10.2020. However, no action/decision has been taken upon the same. He further states that at this stage he would be satisfied if a direction is issued to respondent no.2 to take a decision on the said legal notice dated 07.10.2020 (Annexure P-11) in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Rajesh Gaur, Addl. A.G., Haryana has joined the session through video conferencing and accepts notice on behalf of the respondents.

In view of the limited prayer made by learned counsel for the petitioners, the present petition is disposed off, without commenting on merits of the case, with a direction to respondent no.2 to take a decision with regard to the legal notice dated 07.10.2020 (Annexure P-11), in accordance

with law, as expeditiously as possible and in any case within a period of two months from the date of receipt of certified copy of this order.

(ALKA SARIN)
JUDGE

17th March, 2021
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO