

113

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(In virtual Court)

CWP No. 9980 of 2021
Date of Decision: 20.05.2021

Ex. N.K. Sukhbir Singh Rana

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ramneek Vasudeva, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

The present writ petition has been filed seeking direction to the respondents not to dispense with the spotless and uninterrupted service of the petitioner from the post of Peon at ECHS Polyclinic, Gurdaspur and not to replace the petitioner with another contractual employee.

Learned counsel for the petitioner submitted that the petitioner was earlier appointed on contractual basis by the respondents under ECHS scheme, which is only a project where contractual employees are to be engaged. The petitioner was so appointed after having been selected in the competitive process. However, the respondents are again making the recruitment on contract basis for the same posts which are occupied by contractual employees like the petitioner. The exercise being carried out by the respondents is nothing but arbitrary misuse of process to shunt out certain inconvenient person and to recruit some other persons in their place.

The attempt of the respondents is to deny the petitioner, benefit of his service including certain statutory benefits available to him under the relevant statutes. Hence, the recruitment deserves to be stayed and the petitioner to be retained in service.

Notice of motion.

Mr. Arun Gosain, Advocate, accepts notice on behalf of the respondents.

It is pointed out by learned counsel for the respondents that a Co-ordinate Bench of this Court has already considered the same issue raised by the co-employees of the petitioner and pertaining to the same process of recruitment. However, vide order dated 24.03.2021, the said Co-ordinate Bench dismissed the said writ petition **No.22788 of 2020 titled as Amritpal Kaur Vs. Union of India and others** and some other connected cases. The present writ petition also deserves to be dismissed.

As response to this, leaned counsel for the petitioner has submitted that the said order was challenged before the Division Bench of this Court through **LPA No.341 of 2021 titled as Kulwinder Singh Vs. Union of India and others** and other connected LPAs and vide order dated 06.04.2021 the Division Bench of this Court has granted status quo to the appellants, who were the petitioners in those petitions, which were decided by the Co-ordinate Bench. As a result, those employees are still continuing in service. However, the Division Bench had declined to stay the process of fresh recruitment. Against that aspect of the order, **SLP (C) No.6327 of 2021 titled as Ranjodh Singh Vs. Union of India and others** was filed before the Hon'ble Supreme Court of India and notice has been issued in

the said SLP. It is further pointed out that in connected cases, the Supreme Court has granted status quo to some employees of ECHS organization serving in Himachal Pradesh and has stayed the fresh recruitment as well. Therefore, the present recruitment be also stayed.

After hearing learned counsel for the parties, this Court finds that the issue involved in the present writ petition is squarely covered by the judgment passed by the Co-ordinate Bench in **CWP No. 22788 of 2020** and other connected cases. Therefore, the present writ petition deserves to be disposed of in the same terms. However, the another relevant fact which has emerged thereafter is that, the Division Bench of this Court has granted status quo qua their service to the petitioners of the writ petitions disposed of by the Co-ordinate Bench, although the fresh recruitment has not been stayed by the Division Bench. Even, the Supreme Court has not stayed the recruitment pertaining to the ECHS organization in the State of Punjab. Therefore, this Court does not find any ground to stay the fresh recruitment being carried out by the respondents.

Accordingly, the present writ petition is disposed of in terms of the judgment passed by the Co-ordinate Bench in **CWP No.22788 of 2020 titled as Amritpal Kaur Vs. Union of India and others**, with a further direction that status quo regarding service of the petitioner shall be maintained till the date of the present contractual appointment of the petitioner expires or till the date the result of the fresh selection is declared, whichever is later in time.

(RAJBIR SEHRAWAT)
JUDGE

20.05.2021
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No