

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CWP-11901-2021

Date of decision: 14.09.2021

Rajiv Kumar and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Namit Kumar, Advocate
for the petitioners.

Mr. Rohit Arya, DAG, Haryana.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Rajiv Kumar and six others, have jointly filed the present petition *inter alia* with a prayer for issuance of directions to the respondents to allow the petitioners to continue in service.

This Court, on 07.07.2021, had issued notice of motion. In response thereto, reply on behalf of the respondents, has been filed by Virender Vij, IPS, Commandant, 1st Battalion, Haryana Armed Police, Ambala City.

Learned counsel for the petitioners *inter alia* submits that the petitioners had been discharging their duties as Sweepers or Barbers respectively. He submits that w.e.f. 01.04.2021, their services were discontinued. He further submits that Annexure P-1 is a copy of the representation dated 15.04.2021, which the petitioner submitted, but

irrespective of this, on 30.05.2021, fresh appointments have been made on contract basis.

Learned counsel for the respondents however refers to Para 4 of preliminary submissions of the written statement, to submit that sanction for appointment of 118 contingent paid part time (four hours) Class IV employees for HAP Battalions in the State of Haryana, for the financial year 2021-22, was issued by the Office of Director General of Police, Haryana i.e. respondent No.2 (for the period from 01.04.2021 to 31.03.2022), on 08.03.2021. The copy of the said communication has been appended as Annexure R-3. It is further submitted that out of 118, appointment to 27 contingent paid part time (four hours) Class IV, were given by the Office of Commandant, HAP, 1st Battalion, Ambala. It is the specific case of the respondents that the petitioners did not apply for engagement as contingent paid part time (four hours) Class IV employees and no application of willingness to work, was given by them for the year 2021-22. In order to show that there has been consistent past practice of employees giving their willingness, copies of the applications of willingness submitted by the petitioners for the previous year 2020-21, have been appended as Annexures R-4 to R-10.

On the other hand, learned counsel for the petitioners submits that firstly the petitioners were not aware of any such past practice. He secondly submits that by no means, petitioners were made aware nor was their willingness asked for. He submits that in any case, the representation (Annexure P-1) should have been treated to be their willingness.

In view of the facts noticed above, this Court would not like to go into the disputed questions of fact. However, considering the fact that the

respondents in their written statement have not commented adversely upon the work and conduct of the petitioners and also the fact that the petitioners have served for last 5-6 years with the respondents, the present writ petition is ***disposed of*** with the following directions:-

- (i) Respondent No.3 may forward the case of the petitioners for sympathetic consideration for additional/supernumerary sanction to respondent No.2 or if required, be further referred to respondent No.1.
- (ii) Respondents No.1 & 2 may consider the case in accordance with law and in case, the petitioners can be considered, an order in this regard be passed expeditiously, preferably within a period of two months.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

14.09.2021
anju rani

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