

CM-16369-CWP-2021 in/and
CWP No.13029 of 2020 (O&M)
Date of Decision: 11.11.2021

Kanwaljit Singh and others

.....Petitioners

Versus

Deputy Director General Canteen Services and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. G.S. Bal, Senior Advocate with
Mr. Navdeep Singh, Advocate,
for the applicant-petitioners.

Mr. Ashok Kumar Arora, Advocate,
Senior Panel Counsel,
for the respondents.

RAJBIR SEHRAWAT, J. (ORAL)

CM-16369-CWP-2021

This is an application filed under Section 151 CPC seeking stay of operation of the termination order dated 09.08.2021 terminating the services of petitioner Nos.1 and 2.

Notice of motion.

Mr. Ashok Kumar Arora, Advocate, Senior Panel Counsel for Central Government, accepts notice on behalf of the respondents and has submitted that the contract of most of the petitioners have already been extended and some persons have already superannuated and some others have been removed from the service by way of disciplinary proceedings. None of the petitioners are being removed from contractual engagement, except as above. Hence, the main writ petition itself has been rendered infructuous.

As response to this, learned counsel for the applicant-petitioners has submitted that the applicants who were removed from service on disciplinary proceedings have filed the appeal against their order of termination. The same is pending. The respondents deserve to be directed to decide expeditiously.

Learned counsel for the respondents has submitted that the respondents would pass the necessary order upon the appeal of the applicants; within a period of four weeks.

With the aforesaid undertaking, the present application has been rendered infructuous.

However, since the main writ petition itself can be disposed of, therefore, with the consent of the counsel for the parties, the main petition itself is taken on board; for final hearing today itself.

The application is disposed of accordingly.

CM-3757-CWP-2021

This is an application for impleading Chairman, Panther Canteen and other officers posted at Headquarter, 15 Inf. Division for interfering in day-to-day affairs of Canteen and for deleting the name of respondent No.3 who has since resigned.

In view of the fact that the main case is being disposed of as having become infructuous, therefore, the present application is also dismissed as infructuous.

Main Case

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari quashing of impugned order dated 30.07.2020 (Annexure P-9), vide which

fresh process for appointing staff in Panther Canteen, Amrisar has been started, with a further prayer for issuance of writ in the nature of mandamus that till regular recruitment to the posts held by the petitioners is made, petitioners be permitted to continue on these posts, on the terms and conditions already settled in their appointment orders.

Now, it has come on record by way of statement of the counsel for the respondents that they are not removing anyone of the petitioners; to replace them by another set of contractual employees. On the contrary, as already submitted, in fact, the contract of employment of most of the petitioners and other similarly situated persons have already been extended upto 16th August, 2022. Even if some of the petitioners, except those whose services have been terminated by way of disciplinary proceedings, are left out, they can also make a representation for extension of the contract and their cases shall also be considered by the authorities, in accordance with law.

In view of the above undertaking of the counsel for the respondents, the present petition is rendered infructuous.

Dismissed as such.

All pending miscellaneous applications, if any are also disposed of as such.

11.11.2021
sandeep

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No