

CWP-22504-2021
Date of decision: November 03, 2021

KAVITA DEVI

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikas Kumar Dhariwal, Advocate for the petitioner.

LISA GILL, J.

Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of learned counsel and in terms of circular dated 14.09.2021.

Petitioner was admittedly appointed as a Peon on contractual basis on 14.06.2013 under the outsourcing policy. Petitioner alongwith other employees filed CWP-37852-2018 raising an apprehension that respondent – authorities intended to relieve her/them from respective posts and sought directions to the respondent – authorities to adjust the petitioners either in the same college or at other colleges, where posts were lying vacant in case petitioners were relieved from their posts in the eventuality of regular selected candidates being appointed thereon or on their transfer. Petitioners claimed the benefit being afforded to displaced Extension Lecturers and Guest Teachers.

During pendency of the abovesaid writ petition, petitioner was relieved from service on 26.05.2019 and an application for interim relief was admittedly moved by her in the said writ petition. Admittedly, CWP-37852-2018 filed by the petitioner and others was decided on 04.10.2021, with the co-ordinate Bench not finding any ground to interfere. It is specifically held therein that petitioners, appointed on contractual basis could not stake their claim in perpetuity

and that no ground is made out to direct respondents to allow the petitioners to continue on contract. It is, however, observed that respondents were expected to consider the case of the petitioners on contract or on any alternate posts, which may be vacant on contract basis subject to their being requirement of services of the petitioners, which would entirely be at the discretion of the respondents.

Present writ petition has been filed by the petitioner seeking quashing of action on the part of the official respondents in relieving the petitioner on 26.05.2019 on account of joining of regular employee.

Heard.

In my considered opinion, present writ petition is not maintainable. Petitioner has admittedly tried her luck at an earlier stage by filing CWP-37852-2018 which was disposed of on 04.10.2021 wherein the co-ordinate Bench did not find any ground to interfere. Admittedly, petitioner was relieved during pendency of the said writ petition. Learned counsel for the petitioner has sought to agitate the entire controversy yet again which is clearly impermissible. Litigant cannot be permitted to agitate the same lis again and again in this manner.

This writ petition is, accordingly, dismissed being devoid of any merit.

November 03, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No