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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM Nos.6577-79-CWP-2021 in/and
CWP No. 30137 of 2018

DATE OF DECISION : 04.10.2021

Kusum and others **…Petitioners**

versus

State of Haryana and others **…Respondents**

CWP No. 37852 of 2018

Takdeer and others **…Petitioners**

Versus

State of Haryana and others **…Respondents**

CWP No. 15781 of 2019

Sanjay Kumar **…Petitioner**

Versus

State of Haryana and others **…Respondents**

CWP No. 15907 of 2019

Kamna Rani and others **…Petitioners**

Versus

State of Haryana and others **…Respondents**

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CWP No. 2185 of 2019

Achhari and others **…Petitioners**

Versus

State of Haryana and others **…Respondents**

CWP No. 2202 of 2019

Sunita Ben Chintamani Mishra **…Petitioner**

Versus

State of Haryana and others **…Respondents**

CWP No. 15952 of 2019

Ram Karan **…Petitioner**

Versus

State of Haryana and others **…Respondents**

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. P. Chahar, Advocate and
Mr. JasbirMor, Advocate,
for the petitioner(s).

Mr. Tapan Kumar, DAG, Haryana.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

CM NO. 6577 OF 2021

For the reasons stated in the application, same is allowed and documents contained at Annexures P-6 to P-10 are taken on record, subject to all just exceptions.

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CM NO.6578 OF 2021

This is an application under Order 1 Rule 10 CPC seeking permission to implead the newly selected candidates as respondents No.10and 11.

For the reasons stated in the application, same is allowed and applications as mentioned in para no.5 of the application, are ordered to be impleaded as party-respondents No.10 and 11. Amended memo of parties is taken on record, subject to all just exceptions. Registry to tag the same at its appropriate place.

CM NO. 6579 OF 2021

For the reasons stated in the application, instead of passing piecemeal order in the application, it is deemed more appropriate that main case is taken on Board for hearing today itself.

CM stands disposed of accordingly.

MAIN CASE(S)

1. All the above mentioned writ petitions are being disposed of vide instant common order, since similar facts and issues are involved therein. For brevity, detailed order is being passed in CWP No. 30137 of 2018.

2. Concededly, petitioners herein are contractual employees. Their contracts were being extended from time to time, subject to the regular appointments yet to be made qua the same very posts.

3. It is settled position of law that contractual employees have to make way for the regular appointees. Having unsuccessfully competed for

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the regular appointment, the petitioners cannot stake their claim on the contractual posts in perpetuity.

4. Accordingly, no grounds are made out to direct the respondents to allow the petitoners to continue on contract. Regular employees qua the same very posts have since already been selected and therefore, the petitioners have to make way for them.

5. However, it is expected of the respondents to consider the case of the petitioners on contract on any alternative posts, which may be vacant on contract basis, subject of course there being requirement of the services of petitioners on said posts, which is anyway entirely at the discretion of respondents.

6. Photocopy of this order be placed on the files of other connected cases.

OCTOBER 04, 2021 **(ARUN MONGA)**
Shalini **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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