

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

294

(1) CWP-51-2022 (O&M)

Priyanka and another

...Petitioners

Versus

Principal Secretary to Government of Haryana
and others

...Respondents

(2) CWP-7736-2022 (O&M)

Anand Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

(3) CWP-8423-2022 (O&M)

Sanjay Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(4) CWP-1546-2022 (O&M)

Shatak and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(5) CWP-1733-2022

Umesh Kumar and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(6) CWP-2705-2022

Sudhanshu Jaglan ...Petitioner

Versus

State of Haryana and others ...Respondents

(7) CWP-7361-2022 (O&M)

Amit Ahlawat ...Petitioner

Versus

State of Haryana and others ...Respondents

(8) CWP-9714-2022

Ravinder Singh and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(9) CWP-8550-2022

Mohan Lal and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(10) CWP-9715-2022

Rahul Kumar and others **...Petitioners**

Versus

State of Haryana and others **...Respondents**

(11) CWP-9806-2022

Vishwas Sharma and others **...Petitioners**

Versus

State of Haryana and others **...Respondents**

(12) CWP-11144-2022

Vidhyasagar Mangal and others **...Petitioners**

Versus

State of Haryana and others **...Respondents**

(13) CWP-8429-2022

Prem Parkash and others **...Petitioners**

Versus

State of Haryana and others **...Respondents**

(14) CWP-11094-2022

Harpal **...Petitioner**

Versus

CWP-51-2022 & other connected cases-4

State of Haryana and others...Respondents

(15) CWP-11679-2022

Meena...Petitioner

Versus

State of Haryana and others...Respondents

(16) CWP-7434-2022 (O&M)

Anand Parkash and others...Petitioners

Versus

State of Haryana and others...Respondents

(17) CWP-12351-2022

Jag Mohan and others...Petitioners

Versus

State of Haryana and others...Respondents

(18) CWP-6571-2022 (O&M)

Vikram Singh and another...Petitioners

Versus

State of Haryana and others...Respondents

(19) CWP-11795-2022

Jai Bhagwan and others...Petitioners

Versus

State of Haryana and others

...Respondents

(20) CWP-11927-2022

Jai Bhagwan and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(21) CWP-13388-2022

Anita Rani and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(22) CWP-13550-2022

Yeshpal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(23) CWP-13697-2022

Surender and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(24) CWP-9877-2022

Hari Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(25) CWP-10282-2022

Mandeep Kaur and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(26) CWP-10066-2022

Ritu Rani and another

...Petitioners

Versus

State of Haryana and others

...Respondents

(27) CWP-10011-2022

Sanjay Monga and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(28) CWP-8274-2022 (O&M)

Chetan Sethi

...Petitioner

Versus

State of Haryana and others

...Respondents

Date of Decision :26.07.2022

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mrs. Ritam Aggarwal, Advocate with
Ms. Neel Kamal Advocate for the petitioners
in CWP-51, 7361, 1546, 8423, 40658, 1733, 8274-2022 &
CWP-8042-2022.

Mr. Mukesh Yadav, Advocate for the petitioners
in CWP-12351-2022 & CWP-13697-2022.

Mr. Anil Goyat, Advocate for the petitioners
in CWP-8429-2022.

Mr. S.K. Bhardwaj, Advocate for the petitioners
in CWP-11094, 11795 & 9877-2022.

Mr. Sajjan, Singh, Advocate for the petitioners
in CWP-13388, 16679, 7434, 13697 & 10282-2022.

Mr. Manoj Makkar, Advocate for the petitioners
in CWP-11927-2022.

Mr. Tejpal Singh Dhull, Advocate for the petitioners
in CWP-10011-2022.

Mr. Mazlish Khan, Advocate for the petitioners
in CWP-7736, 9714, 9715, 6571 & 13550-2022.

Mr. Harpal Singh, Advocate for the petitioners
in CWP-11144-2022.

Mr. Raman B. Garg, Advocate for respondent No.4
in CWP-11144-2022.

Mr. Sharan Sethi, Addl. A.G. Haryana.

Harsimran Singh Sethi, J. (Oral)

By this common order, above mentioned writ petitions are
being disposed off as all the writ petitions involve the same question of law
and similar facts.

The grievance of the petitioners are that they are working on
contractual basis in the various departments of the respondent-State of
Haryana and the respondents have created Haryana Kaushal Rozgar Nigam
Limited (in short 'Nigam') and decided that henceforth, all the contractual

appointment will be made through the said Nigam, in purview of which, the grievance of the petitioners is that the petitioners are being forced to get their name registered with the said Nigam, which is not at all required for the reason that since petitioners were already working on contractual basis and according to them, they had right to continue till the work exists or till they are replaced by the regular candidates, whichever is earlier.

Further, grievance of the petitioners is that despite the fact that respondents have taken work from them, their salaries have not been released.

Learned counsel for the respondents submits that keeping in view the decision which has been taken by the respondents even if, any contractual employee is already working however, he/she is now required to come through Nigam, he/she can make representation claiming that the services of the said employee needs to be continued keeping in view that the work still exists and if any such claim is made by the petitioner(s), the same will be looked into and if the services of any of the petitioner(s) is needed, those employees will be continued in employment through the Nigam also.

Learned counsel for the petitioners submits that in the present case, the work which the petitioners are performing, is needed by the respondents, which fact is clear from the various communications issued by the department concerned hence, the petitioners intend to approach the respondents under Clause 8.1. of the Deployment of Contractual Persons policy, 2022 (in short '2022 Policy) so as to consider their claim for continuance in service.

Learned counsel for the respondents submits that as of now the petitioners are continuing in service under the order of the Court. In case

any petitioner feels that his/her case is covered under the Clause 8.1 of the Policy concerned and he/she is eligible to continue in service, he/she can file appropriate representation raising the said claim and the competent authority will look into the said grievance and in case any merit is found in the claim of the petitioner, an appropriate order will be passed within a period of 08 weeks from the date of receipt of said claim.

Learned counsel for the respondents further submits that in case department is inclined not to agree with the petitioner's claim as raised in the representation, a speaking order will be passed giving the reasons for not accepting the claim of the petitioners within a period of 08 weeks from the date of receipt of said claim. Learned State counsel submits that to show respondent's bonafide, the petitioner will be allowed to continue in service till their claim is decided by the competent authority under Clause 8.1. of the 2022 Policy.

With regard to the claim of the petitioner for releasing their salary, learned counsel for the respondents submits that the said grievance will also be taken into consideration at the time of deciding the representation of the petitioners if raised and in case petitioners have worked but their salary for the said period has not been released, the same will be released within a period of four weeks from the date of receipt of the said representation alongwith arrears.

Learned counsel for the petitioners submits that the petitioners will raise their grievance through representation within a period of 03 weeks from today and respondents be directed to decide the same expeditiously.

Learned counsel for the respondents submits that in case any representation is filed by the petitioners raising any grievance, the same will

be decided in terms of Clause 8.1 of the 2022 policy within a period of 08 weeks from the date of receipt of the said representation.

It is made clear that in case the petitioners do not file any representation within a period of three weeks, the respondents will be free to pass any appropriate order with regard to the continuity of the petitioners in service but, the said order will be passed on the basis of merit, considering that facts and circumstances does not envisage continuity of the said petitioners in service.

The present petitions disposed off in above terms.

It is made clear that in case any grievance is raised by the petitioners within a stipulated time as undertaken by the petitioners, the said petitioners will be allowed to continue in service till the decision of their claim as undertaken by the respondents.

A photocopy of this order be placed on the files of connected cases.

July 26, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No