

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-18139-1997 (O&M)

Date of decision: April 25, 2022

Satbir Singh and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1997, *inter alia*, for issuance of a writ in the nature of mandamus directing respondent No.4 not to pass any order of termination of the services of the petitioners in pursuance of the order/letter dated 01.12.1997 (Annexure P-8).

Services of the petitioners were dispensed with some time in the year 1997 when the petition was filed and while issuing notice of motion, stay was granted vide order dated 08.12.1997.

Petition was admitted on 19.03.1998.

When called out for hearing, there is no representation on behalf of the petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for more than 24 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

In any case, it appears that even on merits, claim of the petitioners is not admissible in view of the following stand taken in Para 1 of the preliminary objections, which is reproduced herein for ready reference:-

“ That the appointments of the petitioners were made in contravention of the Govt. rules, as there was a totally ban for new appointments for the post of Class-IV employees. In this connection, the Director Secondary Education, Haryana had already issued an instructions vide order No.20/25-96 ME (4) dated 13.03.1996. A copy of the letter dated 13.03.96 is attached as Annexure R-1 and its true translation is Annexure

R-1/T. It is clearly mentioned that the posts of Class IV employees are for the dependents of Govt. employees, those who have died during their service and direction is also given not to fill up any post of Class IV employee till further order. In compliance of the above instructions, District Education Officer, Bhiwani, (i.e. respondent No.3) made endorsement of the instruction vide endorsement No. esbtt/3-96/234-84, dated 20.03.1996 and the same was sent in the field for information and necessary action. A copy of the instructions dated 20.03.96 is attached herewith as Annexure R-2 and its true translation is Annexure R-2/T. The state Govt. of Haryana, upgraded the various schools in the month of Sept. 1997. Recently the Director Secondary Education, Haryana has also issued an instructions vide order no.20/25-96 M.E. (5) dated 10.11.97. A copy of the instructions dated 10.11.97 is attached herewith as Annexure R-3 and its true translation is Annexure R-3/T. According to the above instructions, the posts of Class-IV employees, will be filled by the dependents of Govt. employees, those who have died during service. In this connection, direction has already been given not to fill up the posts of Class-IV employees till further order. It there comes any irregularity in this regard, then disciplinary action will be initiated against the responsible officer/employee.”

It is also to be noted that the above stand taken by the department has not been controverted by way of replication and/or otherwise.

Be that as it may, writ petition is dismissed.

(ARUN MONGA)
JUDGE

April 25, 2022
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No