

121 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9285-2022
Date of Decision: 04.05.2022

SANJAY SHARMA AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sandeep Thakan, Advocate
for the petitioners.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of *mandamus* directing the respondents not to replace them with another set of contractual employees.

2. Petitioners joined as Pump Operator with the respondent-department in February-1996 and worked on the said post till 01.11.2021. Learned counsel for the petitioners submits that on 02.11.2022, the petitioners were not allowed to join their duties on the ground of non-availability of post. Grievance of the petitioners, as made out in petition, is that they have been replaced with another set of contractual employees.

3. Learned counsel relies on the Supreme Court's judgment in the case of "*Hargurpartap Singh versus State of Punjab and others*" reported as **2007(13) SCC 292** wherein it is held that the employees working on *ad hoc* basis may not claim regularization but their services should not be terminated till regular appointments are made. He further submits that qua their grievance, petitioners caused issuance of a legal notice dated 28.01.2022 (Annexure P-4), the same has not been adverted by the respondents till date. Hence, the instant petition.

4. Learned State counsel, on advance service, joins proceedings and submits that competent authority shall take appropriate decision, either way, on the pending legal notice dated 28.01.2022 (Annexure P-4).
5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.
6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per legal notice dated 28.01.2022 (Annexure P-4) and take a decision, in accordance with law.
7. Let the needful be done as expeditiously as possible.
8. Disposed of accordingly.

May 04,2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No