

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

CWP-9434-2019 (O&M)

Date of decision: August 31, 2022

Kuldeep

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.N. Lohan, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 08.02.2019 (Annexure P-3) passed by respondent No.3, whereby services of the petitioner were terminated.

2. Succinct factual background first. Petitioner was selected on the post of Yoga Instructor vide order dated 02.01.2018 (Annexure P-1) by the selection committee. Petitioner joined on 02.02.2018 at Jind in the office of respondent No.3. However, he resigned due to some family problems. He again represented the respondent-Department on 26.03.2018 for re-appointment. Consequently, he was appointed as Yoga Instructor for one year vide order dated 05.04.2018 (Annexure P-2). Vide impugned order dated 08.02.2019 (Annexure P-3), respondent No.3 stated that date of removal of the petitioner is 01.02.2019 and petitioner is not being allowed to mark his presence w.e.f. 06.02.2019 and salary has also not been released.

3. I have heard rival contentions of the parties and perused the record.

4. What emerges thus, is that adjudication of the claim of the petitioner whether his services could have been dispensed with before expiry of one year contract. By sheer pendency of the writ petition for 4 years, it appears that the relief sought by the petitioner is rendered stale and infructuous. Assuming petitioner was to be allowed to be taken back in service at the relevant time when the writ petition was filed, his term of appointment for one year from 05.04.2018 would have ended by 04.04.2019. That apart, I am in agreement with the learned State counsel that since services of the petitioner were outsourced through private agency and in any case, extension in contract was also to be done on same terms at the relevant time. He also points out that all the outsourced personnel in the State of Haryana are currently being recruited subject to exigency of work through Haryana Kaushal Rozgar Nigam.

5. Being so, I do not find any reason that in case services of the petitioner were required why should he not approach the Haryana Kaushal Rozgar Nigam.

6. Writ petition is accordingly disposed of with liberty to the petitioner to apply through the Haryana Kaushal Rozgar Nigam. Needless to say that his application will be entertained only, if services are required on the post in question. For the period, petitioner did not work, he shall not be entitled to any monetary benefits on the principle of 'No work No Pay'. In the parting, I may like to make it clear that allowing the petitioner to apply through the Haryana Kaushal Rozgar Nigam be not construed in any manner

that he should be given job in case there is no exigency of work, subject of-course to his being eligible and competent.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 31, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No