

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CWP-15338-2016

Date of Decision : July 27, 2022

Deepanshu

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ankush Thakral, Advocate, for
Mr. Jatinder Pal Singh, Advocate, for the petitioner.

Mr. R.S. Budhwar, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that after working for a period of four and half years under a scheme, of which, State of Haryana was also a party, the services of the petitioner were dispensed with on the ground that the scheme has been discontinued.

Learned counsel for the petitioner further submits that another employees, who were working the said scheme, have been adjusted in other Department whereas, the petitioner has not been adjusted and that too without giving any valid reason. Learned counsel for the petitioner further submits that non-adjustment of the petitioner in other department amounts to discrimination and therefore, the respondents under an obligation to adjust the petitioner as well.

Learned counsel for the petitioner relies upon the averments

made in paragraph 14 of the writ petition.

After notice of motion, the respondents have filed the reply wherein, the respondents have conceded a fact that the employees, who were working under the said scheme on contractual basis or regular basis, have been adjusted keeping in view their qualification but as the petitioner was working on part time basis, he has not been considered.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, even the contractual employees have been adjusted by the respondents, there is no valid justification to deny the said benefit to the petitioner on the ground that he was working on part time basis. Once, the petitioner was also discharging the same duties on somewhat similar status, it was incumbent upon the respondents also to consider the claim of the petitioner for adjustment in other Department according to his qualification. The part time instructor cannot be at variance with the contractual employees. Once the adjustment in the other institution was offered and extended to the contractual employees, the part time employees cannot be denied the said benefit. Therefore, the respondents are under an obligation to consider the claim of the petitioner for adjustment keeping in view his qualification.

It is made clear that no direction is being given by this Court for adjusting the petitioner but the claim of the petitioner for adjustment in other Department should have been considered by the respondents at least which benefit was extended to the other employees, who were working under the same scheme and were working on contract basis.

The prayer of the petitioner is allowed. The respondents are directed to consider the claim of the petitioner so as to examine, if petitioner can be adjusted in an another institution as per his qualification keeping in view the availability of the posts. Let the order be passed within a period of two months from the receipt of copy of this order.

The present writ petition is allowed in above terms.

July 27, 2022

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No