

214

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15875-2017

Date of decision: 26.05.2022

Devender and others

...Petitioners

versus

State of Haryana and ors

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. R.K.Malik, Senior Advocate with
Mr. D.S.Mann, Advocate,
For the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Grievance of the petitioners herein, is that, they are fearful that pursuant to the impugned order dated 13.01.2017 (Annexure P-31) 5 posts of Data Entry Operators on contractual basis may be filled up by displacing the petitioners with another set of contractual Data Entry Operators.

2. While issuing notice of motion, in the interregnum, my learned brother Amol Rattan Singh, J. had passed the following order on 21.07.2017 which reads thus:

“Learned Senior counsel appearing for the petitioners submits that there being no allegation of misconduct or lack of work efficiency against the petitioners, who were appointed on the recommendation of the Haryana Electronic Developments Corporation (HARTRON) in the year 2011, on contract basis as Data Entry Operators, they are now being replaced with another set of contractual employees recommended by the HARTRON vide a communication, Annexure P-31.

On a specific query, learned Senior Counsel submits that the recommendations are not made in respect of any additional vacancies and in fact the petitioners are about to be relieved.

Notice of motion be issued to the respondents.

On the asking of the Court, Mr. R.K.Doon, AAG, Haryana, accepts notice on behalf of the respondents.

Adequate number of copies of the petition be handed over to him immediately.

Adjourned to 16.08.2017.

In the meanwhile, no appointment shall be made pursuant to the letter, Annexure P-31, and if they have already been made, such appointments shall remain stayed till the next date of hearing.

A copy of this order be given to the learned counsel for the petitioners under signatures of the Special Secretary of the Bench.”

3. In the aforesaid backdrop, the writ petition is allowed in terms of the interim order as reproduced hereinabove which is made absolute subject of course to the work requirement of the respondents and work and conduct of the petitioners being satisfactory, till the making of regular appointments.

4. Learned Senior counsel points out that currently all the contractual employees in the State of Haryana are being deputed through Haryana Kaushal Rozgar Nigam. Needless to say, respondents shall be at liberty to continue with the services of the petitioners through aforesaid Nigam, if so desires.

5. In any case, the impugned order does not convey any such meaning as the petitioners seem to have understood resulting in their fear of being displaced.

6. In the parting, it is also made clear that petitioners shall be also entitled to the benefit of Apex Court judgment dated 26.10.2016 rendered in

“State of Punjab and others Vs. Jagjit Singh and others passed in Civil

Appeal No.213-2013 and henceforth will be paid salary in accordance thereof

i.e., minimum of the pay-scale payable on the post on which they are currently working.

May 26, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No