

CWP Nos. 18954, 20238, 20249 and 20290 of 2017 (O&M) : 1 :

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

232

CWP-18954-2017

Date of decision : 02.08.2022

PRITI AND ORS

..... Petitioners

VERSUS

STATE OF HARYANA AND ORS

..... Respondents

2.

CWP-20238-2017

KAVITA SHARMA

..... Petitioner

VERSUS

STATE OF HARYANA AND ORS

..... Respondents

3.

CWP-20249-2017

ANU BHARGAVA AND ORS

..... Petitioners

VERSUS

STATE OF HARYANA AND ORS

..... Respondents

4.

CWP-20290-2017 (O&M)

MAMTA SHARMA AND ORS

..... Petitioners

VERSUS

STATE OF HARYANA AND ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Ravinder Malik, Advocate,
Mr. Dalbir Singh, Advocate for
Mr. U. K. Agnihotri, Advocate, and
Mr. Jaswinder Singh Yadav, Advocate for
Mr. Mukesh Yadav, Advocate
for the petitioners.

Mr. S. S. Maan, Additional AG, Haryana.

Mr. Salil Sabhlok, Advocate
for respondent-UGC.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petitions, the grievance of the petitioners is that they should not be replaced with the similarly situated employees and they should be allowed to continue in service keeping in view the instructions which have been issued by the State of Haryana on the said aspect, from time to time.

Learned counsel for the respondents submits that no action of the respondents has been brought to the notice of this Court, which would interpret that the petitioners were being replaced with another set of employees on the same terms and conditions rather in paragraph 6 of the CWP-18954-2017, the petitioners have conceded that the petition has been filed on the basis of the apprehension only.

Learned State counsel submits that there is no intention of the respondents to replace the petitioners with the same set of employees but whether the petitioners can continue in service on the ground that they do not fulfill the requisite qualification for the post needs to be examined and in case, the instructions issued by the State on the said issue permits the petitioners to continue, they can continue otherwise, they need to be relieved from service.

Learned counsel for the petitioners submits that the department has issued instructions on 04.03.2020, which have been further amended on 11.05.2022, according to which, the petitioners are fully eligible to continue

in service.

Learned counsel for the petitioners places reliance upon an order passed by the Division Bench dated 10.11.2021 in **LPA No.814 of 2021 titled Amrit Kaur Vs. State of Haryana and others.**

Learned State counsel submits that the claim of the petitioners will be considered for continuance in service under the instructions governing the said aspect coupled with the order passed by Division Bench of this Court in Amrit Kaur (supra) and appropriate order will be passed within a period of two months of the receipt of the copy of this order and in case, the petitioners are found eligible to continue in service, they will be allowed to continue till the workload permits or the regular incumbent joins.

Learned counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present petitions may kindly be disposed of having been not pressed any further.

Ordered accordingly.

All pending miscellaneous applications, if any, also stands disposed of.

A photocopy of this order be placed on the connected case files numbered above.

(HARSIMRAN SINGH SETHI)
JUDGE

02.08.2022

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Whether speaking/reasoned	Yes
Whether Reportable :	No