

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

CWP No. 7758 OF 2022

DATE OF DECISION: 18.04.2022

Ashok Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ajay Kumar Gupta, Advocate,
for the petitioner.

Mr. Sharan Sethi, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner is before this Court, *inter alia*, seeking issuance of writ in the nature of mandamus directing the respondents not to replace the petitioner with another set of contractual/*ad hoc* employee.

2. Petitioner was initially appointed as Baildar on contract basis in Yamuna Water Services Circle Irrigation Department on 17.04.2009. He continued to work there till 2013. Thereafter, he was transferred to Karnal Water Services Division till 05.12.2018. On 24.08.2018, the Executive Engineer, Irrigation and Water Resources Department, Haryana, Karnal recommended the name of petitioner for regularization as Clerk in terms of regularization policy dated 09.07.2014 for Group C and D employees. Regular provident fund was also deducted by the employer. The petitioner claims he was/is eligible to be regularized on the said post. However, the decision of government on regularization policy is still awaited.

3. Learned counsel points out that Apex Court vide order dated 26.11.2018 passed in SLP (C) No. 031566 of 2018 has ordered status-quo.

4. I have heard learned counsels for the parties and have gone through the case file.

5. Concededly, case pleaded by the petitioner is that up till 05.12.2018 the petitioner was allowed to mark his presence online as well as offline and to work as steno typist cum clerk and thereafter the respondent No.5 Rajesh Chopra without any show cause notice and without any termination order has not allowed him to continue his service. No grounds to interfere are made out on the ground of delay and laches alone. However, petition is disposed of with liberty to the petitioner to pursue his representation with the expectation that in case, upon verification of petitioner's service record, the competent authority deems it appropriate that he deserves to be taken back in service on contract basis then the length of service rendered by him in past stated to be 09 years on contract, shall be given due weightage on the principle of first come last go. In case any contractual employee has been replaced on the post of petitioner then it would be determined who is senior of the two in terms of past length of service and orders be passed accordingly.

6. Disposed of accordingly.

APRIL 18, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No