

109+217

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-12371-CWP-2022 in/and
CWP-21336-2018(O&M)
Date of Decision: 18.08.2022

Rakesh Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Khushkaran Kumar, Advocate
for Mr. S.S. Rangi, Advocate
for the petitioners.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

CM-12371-CWP-2022

For the reasons recorded, the application is allowed subject to all just exceptions. Replication alongwith documents Annexures P-15 to P-16 are taken on record.

CWP-21336-2018 (O&M)

Petition herein, *inter alia*, is for issuance of an appropriate writ commanding the respondents to allow the petitioners to resume their duties, from which they were relieved w.e.f. 21.02.2018, for want of sanction from the Finance Department and release their pending salary w.e.f. 01.01.2017 to 20.02.2018 i.e. for the period the petitioners actually worked.

2. It appears that during pendency of the writ petition the post in question on which the petitioners were deputed on contract have been filled up by way of regular appointments. Needless to say,

petitioners were at liberty to compete for the said regular post and in case, they were unsuccessful, they have no right to continue on contract basis. And, if they chose to not compete, it is their own doing. In any case, they have no right to continue perpetually on contract when regular appointees are available. In the circumstances, no further ground is made out to interfere. However, it is expected that for the period the petitioners rendered their services they shall be paid the upto date salary.

3. In the parting, learned counsel for the petitioners submits that still certain posts are vacant on contract basis, and in case, there is a requirement to fill those vacant posts the petitioners should be given weightage for re-engagement on the basis of principle of 'last come first go'. I see no reason why the department would not accord them the treatment in accordance with law, subject of course, to the work exigency.

4. Petition stands disposed of in the above terms.

5. Pending civil miscellaneous application, if any, also stands disposed of.

**(ARUN MONGA)
JUDGE**

August 18, 2022

Ashish

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No