

In the High Court of Punjab and Haryana at Chandigarh

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CWP-914-2018 (O & M)

Date of Decision: July 11, 2022

INDER SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Manoj Chahal, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Learned counsel for the petitioner submits that despite the order dated 13.07.2012 passed by respondent No.2 setting aside the termination of the petitioner, he has not been taken back in service, although CWP-24613-2012 preferred by respondent No.3 challenging the order dated 13.07.2012 was dismissed on 24.05.2017. He, however, submits that the respondent No.3-School has been closed and the staff thereof has been adjusted by the State of Haryana.

The petitioner is stated to have been appointed in respondent No.3-School on 23.07.1990 as Water Man/Peon against the regular post. The services of the petitioner along with two other employees was terminated by declaring them surplus, although their juniors had been retained by the order 09.09.2011. The petitioner had preferred CWP-22898-2011 quashing his termination and this Court by order dated 16.12.2011 had directed the respondent No.2 to decide his representation. In pursuance to the direction of this Court while considering the representation of the petitioner, respondent

No.2 has set aside his termination by order dated 13.07.2012. The respondent No.3 preferred CWP-24613-2012 against the order dated 13.07.2012 whereby his termination has been set aside. However, this Court by order dated 24.05.2017 had dismissed the petition. It is thus manifest that the order setting aside the termination of the petitioner has obtained finality. The petitioner would be entitled to be reinstated in service. Respondent No.3-School is stated to have closed down but the staff has been adjusted by the State Government in other Government jobs. It would in the interest of justice if the case of the petitioner is also considered for adjustment in other Government jobs as has been done in the case of other employees of respondent No.3-School.

Consequently, the petition is allowed. The respondent No.2 is directed to consider the case of the petitioner for adjustment in Government posts as has been done in the case of other employees of respondent No.3 sympathetically and appropriate order be passed within three months from now.

(ANUPINDER SINGH GREWAL)
JUDGE

July 11, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No