

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

110

CWP-3811-2023 (O&M)

Date of Decision: 10.04.2023

RENU BALAAND ANOTHER

... Petitioners

Versus

STATE OF HARYANAAND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravinder Bangar, Advocate
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing respondents No.2 to 6 to allow the petitioners to join against the post of Para-Teaching Associate (TGT Hindi), Job Level-3, in view of their deployment offer letters dated 30.11.2022 (Annexure P-5).

Learned counsel for the petitioners submits that after considering the requisite qualifications and experience possessed by the petitioners, they were issued deployment offer letters dated 30.11.2022 by the Haryana Kaushal Rozgar Nigam Limited; that the petitioners were allotted posting at Government Middle School, Gagnehri, Ambala and Government Middle School, Rao Majra Ambala, (respondents No.5 and 6), respectively. While laying emphasis upon the communication dated 07.12.2022, written by Additional Chief Secretary, Government of Haryana to the Chief Executive Officer, Haryana Kaushal Rozgar Nigam

Limited, it is submitted that the concerned Headmasters of respondents No.5 and 6, are neither allowing the petitioners to join their duties nor are passing any formal order qua the same and that the deployment offer letters, issued in favour of the petitioners, have not been cancelled till date.

Notice of motion.

On the asking of this Court, Mr. RS Budhwar, Additional AG Haryana, accepts notice on behalf of the respondents-State. He, while controverting the arguments raised by the learned counsel for the petitioners, lays stress upon Clause 5.7 of the Deployment of Contractual Persons Policy, 2022, dated 30.06.2022 issued by Human Resources Department (General) Services-II, Branch, which reads as under:-

'5.7 Action before or after joining of contractual manpower:-

Before the issue of DOL, the Nigam shall verify the documents submitted by the registered candidates. Similarly, on receipt of copy of DOL, the indenting organization before allowing to join the contractual manpower shall verify the documents related to the requisite qualifications, work experience as per eligibility criteria, verification of character and antecedents etc. as per provision in the instructions in this regard issued by Government from time to time. If any of the required document(s) of the recommended person is not found correct, the Indenting Organization will reject the candidature under intimation to the Nigam and seek fresh recommendation in lieu thereof, if required. Upon joining of the person(s), the Indenting Organization shall intimate to the Nigam on the portal, after which web-portal will generate an identity card to be made available to the deployed person.

Learned State counsel, thus, argues that the documents of the petitioners were verified and after verifying the same, the concerned Headmasters have rightly not allowed the petitioners to join their duties.

I have heard the learned counsel for the parties.

It is not disputed that the candidatures of the petitioners were duly considered by the Haryana Kaushal Rozgar Nigam Limited and thereafter, they were issued deployment offer letters dated 30.11.2022 (Annexure P-5), which are still in force. The Policy dated 30.06.2022 relied upon by the learned State counsel is a formal communication between the two Organizations/Departments of the Government.

Admittedly, the petitioners were not granted any opportunity of hearing after issuance of the deployment offer letters. Mere denial of joining by the Headmasters of respondents No.5 and 6, without affording an opportunity of hearing, is against the settled law.

In view of the above, the present petition is disposed of with directions to respondents No.4 to 6 to allow the petitioners to join their respective places of posting, in terms of the deployment offer letters dated 30.11.2022.

However, respondents No.2 and 3, would be at liberty to re-consider the candidatures of the petitioners, after giving them proper opportunity of hearing, as per law.

10.04.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No