

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

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**CWP-4881-2023 (O&M)
Date of decision: 13.03.2023**

Vikash Babu

...Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aditya Yadav, Advocate for the petitioner.

Ms. Indira, Advocate for
Mr. H.S. Oberoi, Advocate for respondent No.1.

Mr. R.S. Budhwar, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Certiorari for quashing of one month notice dated 13.02.2023 (Annexure P-14) issued by respondent No.6 qua termination of services of the petitioner and quashing the selection recommendations of Trade Instructors made on the basis of a written examinations being in contravention of the procedure of selection laid down through guidelines dated 07.01.2016 (Annexure P-3) issued by the Dy. Director General of Training (DGT) with a further prayer to quash the advertisement No.12/2019 (Annexure P-10).

Learned counsel for the petitioner submits that notice dated 13.02.2023 (Annexure P-14) contemplating termination of the services of the petitioner, is against the settled law; that vide order dated 07.02.2023

(Annexure P-13) passed by a Division Bench of this Court in CWP-27658-2019, the respondents were directed to make appointments of only Crafts Instructor Training Scheme (CITS) qualified persons as Instructors/Craft Instructors and keep on hold appointment of other persons, who did not possess that qualification; that another CWP-35305-2019 titled as 'Ram Parshad and others Vs. State of Haryana and others', preferred by the contractual employees challenging the advt. No. 12/2019 stands admitted and the order has been passed that the selection would be subject to the final decision of the said case; that the said order passed in CWP-35309-2019 has also been challenged in SLP before Hon'ble the Supreme Court.

Notice of motion.

Learned counsel for respondent No.1 and learned State counsel accept notice and submit that one month's notice dated 13.02.2023 (Annexure P-14) for termination of his services, has been issued in compliance of the order dated 10.09.2021 passed in CWP-35305-2019 and in SLP No. 15629-15631/2021, preferred by the contractual employees, the Hon'ble Supreme Court while dismissing the same on 08.10.2021 issued directions that before terminating the services of the petitioners, the respondents will give them one month's notice. They further draw the attention of this Court towards the letter dated 13.03.2023 issued by the Secretary to Govt. Haryana, wherein it has been mentioned that the Department has received the list of regular selected candidates and in view of that the Department has issued the impugned termination notice to the contractual employees on the basis of 'Last in First Out' principle and letter dated 20.02.2023 issued by the Government of India, Ministry of Skill Development and Entrepreneurship,

Directorate General of Training, New Delhi, whereby one time relaxation of mandatory CITS qualification for the Crafts Instructors, has been granted. This order has been passed for the welfare of the candidates belonging to the State of Haryana.

I have heard the learned counsel for the parties and have also gone through the case file.

As one month's notice dated 13.02.2023 (Annexure P-14) for termination of services has been issued to the petitioner, who are the contractual employees, in compliance of the order dated 10.09.2021 passed in CWP-35305-2019 and the order dated 08.10.2021 passed by Hon'ble Supreme Court in SLP No. 15629-15631/2021, no case to grant the relief to the petitioner as sought for, is made out.

In view of the above, the petition is dismissed.

Liberty is grated to the petitioner to reply to the notice dated 13.02.2023 (Annexure P-14).

(HARNARESH SINGH GILL)
JUDGE

13.03.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No