

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

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**CWP-7211-2023 (O&M)
Date of decision: 12.04.2023**

Ashok

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.K. Malik, Senior Advocate with
Mr. S. S. Randhawa, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Mandamus directing the respondents to allow the petitioner to continue as Draughtsman Civil Instructor (Practical), till the appointment to such post on regular basis.

Learned senior counsel submits that the petitioner is 70% handicapped; that some posts of Draughtsman Civil Instructor (Practical), including one post of Physical Handicapped (General), on contract basis, were advertised and that the petitioner, being eligible, was offered appointment against said post and he joined on 10.03.2019 and since then he has been working as such. It is further submitted that on 29.07.2019, the Haryana Staff Selection Commission published an advertisement inviting applications for various posts, including 45 posts of Draughtsman Civil Instructor (Practical) vide Advt. No.12/2019, but no post for the handicapped

category, was advertised therein and that the final result was declared on 28.09.2022.

Learned Senior counsel for the petitioner further submits that one month's notice dated 13.02.2023 (Annexure P-3) was issued to the petitioner stating therein that the Department had received recommendations from the Haryana Staff Selection Commission, for regular appointment and that thereafter, vide communication dated 10.03.2023, the period of said notice was extended for one more month. It is further submitted that as per the information received by the petitioner under the Right to Information Act, in any recruitment drive of the State Government, 3% posts are reserved for the handicapped category, but in the instant case, no post for handicapped category was advertised. The learned Senior counsel also draws the attention of this Court towards the instructions dated 06.11.2020 (Annexure P-6) issued by the State Government directing all the Heads of the Departments to adjust the contractual employees against such posts till the regular appointment is made and that there is no justification in terminating the services of the petitioner.

Notice of motion.

Learned State counsel accepts notice and submits that one month's notice dated 13.02.2023 (Annexure P-14) for termination of the services of the petitioner, was issued to the petitioner in compliance of the order dated 10.09.2021 passed by this Court in CWP-35305-2019 titled as 'Ram Parshad and others Vs. State of Haryana and others', and order dated 08.10.2021 passed by Hon'ble Supreme Court in SLP No. 15629-15631/2021, preferred by the contractual employees. He further contends that

Hon'ble Supreme Court while dismissing the said SLP same on 08.10.2021, issued directions that before terminating the services of the petitioners, the respondents will give them one month's notice. He further draws the attention of this Court towards a letter dated 13.03.2023 issued by the Secretary to Govt. Haryana, wherein it has been mentioned that the Department had received the list of selected candidates on regular basis and in view of that, the Department had issued the termination notice(s) 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, was granted.

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

The petitioner is agitating his claim that in the advertisement issued in 2019 by the Haryana Staff Selection Commission, no post for the handicapped category was advertised, whereas while being appointed on contractual basis, he was appointed against the post meant for handicapped category.

This Court cannot go into the details of the mechanism adopted by the Haryana Staff Selection Commission, while issuing Advertisement No. 12/2019. The category-wise details of the posts must be based on the Departmental requirements and in accordance with the relevant Rules/Instructions issued from time to time, on the subject. As noticed above, before termination of his services, the petitioner was granted one

month’s notice on 13.02.2023 and thereafter, vide communication dated 10.03.2023, the said period of said notice was extended for one more month. The services of the petitioners have been sought to be terminated on the ground of appointment of the candidates on regular basis and in compliance with the directions issued by the Hon’ble Supreme Court in its order dated 08.10.2021 passed in SLP No. 15629-15631/2021. Thus, the petitioner cannot seek continuity of his contractual appointment.

In view of the above, the petition is dismissed.

Liberty is granted to the petitioner to reply to the notice dated 13.02.2023 (Annexure P-14), if so advised.

(HARNARESH SINGH GILL)
JUDGE

12.04.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No