

CWP-11906-2019

2023:PHHC:156133

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 224)

(1)

CWP-11906-2019

Date of Decision : 06.12.2023

Vijender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

(2)

CWP-11929-2019 (O&M)

Balvinder and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(3)

CWP-14395-2019

Ankit Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Mor, Advocate for the petitioners
in CWP-11906-2019 and CWP-11929-2019.

Mr. D.S. Nain, Advocate for the petitioner
in CWP-14395-2019.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Satpal Nain, Advocate for respondent No. 5
in CWP-14395-2019.

Harsimran Singh Sethi J. (Oral)

1. By this common order, three writ petitions, the details of which have been given in the heading, are being decided as all these petitions involve the same question of law on similar facts.

2. The present petitions have been filed raising a grievance that the petitioners were appointed on the post of Instructor but the respondents tried to replace them with another set of persons by issuing Advertisement dated 30.04.2019 (Annexure P-11).

3. For the sake of convenience, facts are being taken from CWP-11906-2019.

4. Learned counsel for the petitioner submits that vide order dated 16.05.2019 passed by the Co-ordinate Bench of this Court, the petitioner was allowed to continue in service till the time the regular candidates do not join. Hence, the petitioner in CWP No. 11906 of 2019, namely, Vijender Kumar as well as petitioners in CWP No. 11929 of 2019 are continuing in service. The petitioner in CWP No. 14395 of 2019 is not in service as of now.

5. Learned counsel for the petitioners submit that once the posts have not been filled up in pursuance to Advertisement dated 30.04.2019 (Annexure P-11), petitioners are entitled to continue in service in case the work of post on which the petitioners were working exist. Learned counsel for the petitioners further submit that the petitioners be directed to ascertain whether the work of the post on which

the petitioners were working still exists or not and in case, the same exists then petitioners should be allowed to continue otherwise, the respondents be directed to pass a fresh order giving the reason as to why the services of the petitioners are not required.

6. Learned counsel for the petitioners submit that the petitioners have discharging the duties but the salary has not been released to them on the ground that there is no sanction, hence, respondents be directed to release the salary of the petitioners, whose salaries have not been released so far.

7. Learned counsel for the respondents submits that in case, any representation is received from the petitioners that the work exists of the post on which the petitioners were working, the same will be examined in light of the circumstances and facts whether the work of the post on which the petitioners are working is needed any further or not. Learned counsel submits that the petitioners will not be replaced by another set of employees with the same terms and conditions and petitioners, who are continuing in service, will be continued in service till any fresh order is passed.

8. Learned counsel for the respondents further submits that in case, the services of the petitioners are not needed, appropriate order will be passed within a period of two months from the receipt of any such representation giving the due reasons for the same. Learned counsel for the respondents submits that in case, the petitioners have continued in service under the interim order of the Court and have not been replaced

so far, their salary will be released within a further period of two months after the passing of the order on the representation, if not already released.

9. Learned counsel for the petitioners submits that keeping in view the said statement of learned counsel for the respondents, the present petitions may kindly be disposed of having been not pressed any further.

10. Ordered accordingly.

11. It may be noticed that the petitioners, who are entitled to continue or to be adjusted, will be allowed to continue till any such order is passed.

CM-12501-CWP-2019 in CWP-11929-2019

Keeping in view the fact that the main petition is disposed of being not pressed, the present application stands disposed of.

A photocopy of this order be placed on the files of connected cases.

December 06th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No