

CWP No. 11986 of 2020 (O&M) and other connected matter

2023:PHHC:112774

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 231)**

**(1) CWP No. 11986 of 2020 (O&M)
Date of Decision : 28.08.2023**

Ravinder Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

(2) CWP No. 12828 of 2020 (O&M)

Rocky Gahlot

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dalbir Singh, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

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

Learned counsel for the petitioner(s) submits that though, in the present petitions challenge is to the action of the respondents,

whereby the services of the petitioner(s) were dispensed with upon joining of the regular incumbent but as per the Policy of the respondent-State, in case the post on which the employees were working, similar posts are lying vacant, the employees should not be relieved but should be adjusted on the similar posts lying vacant. Learned counsel further submits that the similarly situated employees have already been given said benefit under the Policy of the Government.

Learned counsel for the respondent-State submits that interpretation being given to the Policy of the Government dated 02.02.2019 is not correct. It is only in case, the work of a post, which is lying vacant, exists then only the adjustment can be made, not otherwise.

Learned counsel for the petitioner(s) submits that as the work of the post against which the petitioner(s) were working as well as the posts, which are lying vacant still exists, hence, the respondents are under obligation to consider the claim of the petitioner(s) under the Policy dated 02.02.2019.

Learned counsel for the respondent-State submits that in case the petitioner(s) file any representation raising a claim for continuance in service under the Policy dated 02.02.2019, the same will be considered in accordance with law and an appropriate order will be passed within a period of eight weeks of the receipt of any representation and in case, petitioner(s) are found entitled for any relief, the same will

also be extended to the petitioner(s) within a further period of four weeks.

Learned counsel for the petitioner(s) submits that keeping in view the said statement of learned counsel for the respondent-State, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner(s) to approach the respondents by filing the appropriate representation.

Petitions are disposed of with liberty as prayed for.

CM-15083-CWP-2021, CM-604-2021, CM-14859-CWP-2021 and CM-536-CWP-2023

As the main petitions are disposed of, the present applications also stand disposed of.

August 28, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No