

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

CWP-15802-2021
Date of Decision: 02.05.2023

Mukesh Kumar and othersPetitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Shaurya Khanna, Advocate, for the petitioners.
Mrs. Shruti Jain, DAG, Haryana.

HARNARESH SINGH GILL, J.

The petitioners seek quashing of the order dated 13.08.2021 (Annexure P.6), whereby certain Instructors from the other Government Industrial Training Institutes, were directed to be posted against the posts held by the petitioners.

On 19.08.2021, a Coordinate Bench of this Court, while issuing notice of motion, passed the following order:-

“Inter-alia contends that petitioners had joined as Plumber Instructor etc. on 06.06.2014 on contract basis for a period of six months or till regular appointment was to be made, while referring to one of the petitioners Mukesh Kumar. The said contract was extended on 06.06.2021 for another period of six months and thus, would go upto December, 2021. It is submitted that by virtue of impugned transfer order dated 11.08.2021 (Annexure P-6), regular employees have been adjusted

against the petitioners and as per Clause 8, they have been stated to have become surplus and their services are deemed to have been discontinued accordingly. It is submitted that the petitioners No.4 to 6 are in the management of the society of the contractual employees and on that account, they are being pushed out on the pretext of transfer. It is submitted that in such similar circumstances on 07.04.2021 and 23.04.2021 (Annexures P-9) on account of transfer, even similarly situated contractual employees had become surplus and had been adjusted. It is further submitted that as per the table in paragraph 4 (A) of the petition, there are various posts vacant i.e. as many as 147 posts of Fitter, 31 posts of Plumber and 18 of Carpenter Instructors. Reference is also made to Annexure P-10 Clause 5(a) of the Transfer Policy that posts occupied by contractual employees shall not be considered vacant and the Department thus recognise the existence of contractual employees.

Notice of motion.

Mr. Baldev Raj Mahajan, Advocate General, Haryana with Ms. Kirti Singh, D.A.G. Haryana accepts notice and pray for time to file response. List on 29.11.2021.

In the meantime, regular employees will be permitted to join, however, the State shall make ensure to adjust the petitioners at other locations in the State.”

Today, during the course of hearing, learned State counsel, while drawing the attention of this Court to para No. 3 of the written statement filed on behalf of respondent Nos. 1 and 2, would submit that in compliance with the order dated

19.08.2021 passed by the Coordinate Bench of this Court, the petitioners have been adjusted in other Government Industrial Training Institutes of their choice, as per the order dated 29.10.2021 passed by the Director, Skill Development & Industrial Training Department, Haryana.

The said position is not controverted by the learned counsel for the petitioners.

The petitioners are the contractual employees. They have/had sought their continuance in the service and not to declare them surplus.

Since, the petitioners have already been adjusted in different Government Industrial Training Institutes, no cause subsists to continue with the present petition, which is rendered infructuous.

Dismissed as having been rendered infructuous.

02.05.2023
ds

(HARNARESH SINGH GILL)
JUDGE

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