

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

229

**CWP-14223-2017 (O&M)
Date of decision: 17.01.2023**

Robin Sanwat and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sube S. Kaushik, Advocate for the petitioners.

Mr. Rajesh Gaur, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents not to limit the period of appointment of the petitioners on the post of instructors in various ITIs in Haryana and not to replace the petitioners against other contractual employees.

Vide order dated 05.07.2017, a Coordinate Bench has directed that in case service of the petitioners have not been dispensed with, their service shall not be dispensed and they will not be replaced by similarly situated set of contractual employees.

Learned counsel for the petitioners submits that the petitioners have been working in various ITIs in Haryana since 2013-2017 and there is not even a single complaint against any of the petitioners. He relies upon the judgment rendered by the Hon'ble Supreme Court of India in case of 'Hargurpratap Singh Vs. State of Punjab', 2007 (13) SCC 292.

Learned State counsel does not dispute the fact that the petitioners were appointed as Instructors on contract basis but the fact remains that no orders have been passed qua disengaging the services of the petitioners by the authorities and the petitioners have filed the present petition only on the basis of their apprehension.

I have heard the learned counsel for the parties and have also gone through the documents on record.

Undisputedly, the petitioners have been working as Instructors in different ITIs in Haryana since 2013-2017 on contract basis. As per the written statement filed on behalf of respondent Nos. 1 and 2, the stand of the answering respondents is that the petitioners are still working and will continue till the regular incumbents join and no action has been taken by the respondents to dispense with their services.

In view of the above, this Court is of the view that the petition is premature and has been filed by the petitioners only on the basis of their apprehension.

The petition is disposed of being premature.

(HARNARESH SINGH GILL)
JUDGE

17.01.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No