

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

213

**CWP No.14731 of 2018
Date of decision:- 20.02.2023**

Sitender Kumar and others

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jagdish Manchanda, Advocate with
Mr. Nischal Chetanya Manchanda, Advocate
for petitioners No. 2 & 5.

Ms. Priya Sharma, Advocate for
Mr. Sanjeev Kodan, Advocate
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana
for State-respondent No.1.

Mr. Umesh Dahiya, Advocate for
Mr. Deepak Balyan, Advocate
for respondents No. 2 & 3.

SUVIR SEHGAL, J. (Oral)

CM-5792-CWP-2019

Application is allowed as prayed for.

Replication to the reply filed on behalf of respondents which is
taken on record.

Main case

Petition qua petitioner Nos.8, 11,14 and 16 was dismissed as
withdrawn vide order dated 13.08.2018 and qua petitioner Nos. 12, 13 and 15,
petition was dismissed as withdrawn vide order dated 04.10.2018.

By way of present petition, filed under article 226/227 of the
Constitution of India, petitioners have approached in this Court for issuance of
a writ in nature of Certiorari for quashing the impugned order dated 09.05.2018

(Annexure P-5) whereby the four persons have been deputed in the Command

Area Development Authority (CADA) against the posts on which the petitioners have been engaged on contract basis. Another prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to continue the petitioners on their respective posts till regular appointments are made by the department concerned.

Upon notice, reply has been filed by respondents No. 1 to 3 wherein it has been submitted that services of petitioners No. 2 & 10 have been dispensed with on joining of regularly appointed employees whereas petitioners No. 1,3,4, 5, 6, 7 and 9 are working in the CADA Division. It has been further submitted that the petitioners have been employed through a service provider. Stand of the respondents is that by virtue of impugned order (Annexure P-5), staff is being posted on deputation from the Irrigation and Water Resources Department.

Heard counsel for the parties.

Concededly, some of the petitioners are continuing in service. In the light of the judgment of the Supreme Court in Hargurpartap Singh Vs. State of Punjab and others (2007) 13 SCC 292, writ petition is disposed with a direction that petitioners No. 1, 3 to 7 and 9 shall be permitted to continue in service till the time the regular incumbents are appointed in their place subject to the condition that there is a requirement for work and their work and conduct continues to be satisfactory.

Disposed of .

20.02.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No