

CWP-24248-2017 and other connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

220-3 cases

**CWP-24248-2017 (O & M)
Date of decision :14.02.2023**

BALBIR & ORS

...PETITIONERS

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CWP-29714-2017

BALWAN SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CWP-9784-2019

SUKHCHAIN

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. A. K. Singh Goyat, Advocate for the petitioner(s)
in CWP-24248-2017 and CWP-29714-2017.

Mr. V.D. Sharma, Advocate for the petitioner
in CWP-9784-2019.

Mr. Saurabh Mohunta, DAG, Haryana
for the respondents.

SUVIR SEHGAL, J.

This order shall dispose of the above mentioned three writ petitions as they involve common questions of law and facts. For the sake of convenience, facts are being taken from CWP-24248-2017.

Petitioners have approached this Court under Article 226/227 of Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to extend their joining period in terms of judgment dated 02.07.2013, Annexure P-3, passed by this Court in CWP-13555-2013 titled as **Shivkesh and others Versus State of Haryana and others** and for directing the respondents to allow the petitioners to continue to work on the post of Canal Patwaris, till the time the posts are filled by the regular incumbents.

After clearing the Patwar examination, petitioners were engaged as Canal Patwaris on D.C. rates on different dates in the months of March and April, 2016 and they are continuing to work on the post. Apprehending that they will be replaced by engaging other employees on identical terms and conditions, the petitioners have approached this Court.

Upon notice, writ petition has been contested by the respondents by filing a written statement, wherein it has been submitted that the department has sent the requisition to the Haryana Staff Selection Commission for appointment of Canal Patwaris, however, the petitioners will not be terminated till the time the regular appointments are not made. The stand taken by the respondent in Para 02 of the preliminary submissions of the written statement, deserves to be noticed and is reproduced as under:-

“2. That some of the posts of Canal Patwaris were available with the department of the answering respondents against which some Canal Patwaris were appointed on DC

rate for the period of six months. However, some of the them, subsequently filed many civil writ petitions in this Hon'ble High Court with prayer that the petitioners may not be replaced by another similar arrangement and their services may be continued till regular recruitment of the Canal Patwaries is made in the department. All these petitions were disposed of in terms of CWP No. 13555 of 2013 titled as Shiv Kesh and other v/s State of Haryana and others with directions to the respondent state to re-engage the petitioners as Canal Patwaries in terms of outsourcing policy and the petitioners will (sic till) continue such time as regular appointment is made in the department. The department of the answering department had already sent the requisition to the commission for the appointment of Canal Patwaris. The services of the petitioners will not be terminated till such time the regular appointment of Canal Patwaris is made in the department or as long as the work and conduct of the Canal Patwari remains satisfactory upto the age of 58 years which is earlier and therefore the petition of the petitioners is not maintainable and the same is liable to be dismissed.”

Counsel for the petitioner has referred to office orders passed by the Irrigation and Water Resources Department, Haryana, to submit that the engagement period of the petitioners has been extended till 30.06.2023 with a stipulation that they will continue till the time the regular Canal Patwaris are appointed.

In view of the above, writ petition is disposed of with a direction that the petitioners shall not be displaced with another set of contractual employees till the time the regular incumbents do not join the post. This will undoubtedly be subject to the condition that the work and conduct of the petitioner remains satisfactory.

Pending application(s), if any, shall stand disposed of.

14.02.2023

(SUVIR SEHGAL)

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JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No