

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236 (11 cases) (1) CWP-2912-2019
Date of Decision :-08.11.2023

Amit Kumar and others ...Petitioners

Versus

State of Haryana and others ...Respondents

(2) CWP-5908-2019

Sombir ...Petitioner

Versus

State of Haryana and others ...Respondents

(3) CWP-21344-2021

Mahavir Singh ...Petitioner

Versus

State of Haryana and others ...Respondents

(4) CWP-22392-2021

Pawan Dagar ...Petitioner

Versus

State of Haryana and others ...Respondents

(5) CWP-24712-2021(O&M)

Deepak Sharma ...Petitioner

Versus

State of Haryana and others ...Respondents

(6) CWP-24695-2021(O&M)

Bikram Singh ...Petitioner

Versus

State of Haryana and others ...Respondents

(7) CWP-24750-2021

Anil ...Petitioner

Versus

State of Haryana and others ...Respondents

(8) CWP-4133-2022

Manoj Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

(9) CWP-24731-2021

Ashok ...Petitioner

Versus

State of Haryana and others ...Respondents

(10) CWP-26057-2021

Mahesh Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

(11) CWP-8998-2022

Parvesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Alka Chatrath, Advocate with
Ms. Divya Sharma, Advocate for the petitioners
in CWP-2912-2019.

Mr. Rakesh Nagpal, Advocate for the petitioners
in CWPs-5908-2019, 21344-2021, 22392-2021.

Mr. Mudit Johar, Advocate for
Mr. Virendra Rana, Advocate for the petitioners
in CWP-24695, 24750, 24731 and 26057-2021.

Mr. Abhijeet Sharma, Advocate for the petitioners
in CWP-24712-2021.

Mr. Aditya Singh, Advocate for
Mr. S.K. Malik, Advocate for the petitioners
in CWP-8998-2022.

Mr. Harish Rathee, Senior DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. By this common order, above mentioned eleven writ petitions, details of which have been given in the head note, are being disposed of as all the writ petitions involve the same question of law on similar facts.

2. Learned counsel for the petitioners submits that the only prayer of the petitioners is that they should not be replaced with another set of contractual employees and they should be allowed to continue in service in case the work qua the post on which they are working exists and in case

work on the post on which the petitioners are working does not exist, then only the employees should be relieved on the principle of last come first go.

3. Learned counsel for the petitioners further submits that keeping in view the interim order passed by a Coordinate Bench of this Court, the petitioners are already continuing in service.

4. Learned State counsel submits that there is no intention of the respondent-department to replace the petitioners with another set of contractual employees and as the petitioners are already continuing in service under the interim order of this Court, the feasibility to allow the petitioners to continue in service will be explored keeping in view the facts and circumstances of the present case as to whether work of the post on which the petitioners are working exists or not. Learned counsel for the respondents further submits that in case, work of the post on which the petitioners are discharging their duties exists, the petitioners will be allowed to continue in service subject to their maintaining good conduct and discipline and in case any of the petitioners are out of service as of now and the post is to be filled up to appoint someone to discharge the duties, preference will be given to the employees, who had already discharged the duties with the respondent-department.

5. Learned counsel for the respondents further submits that an appropriate order qua the feasibility of continuing the petitioners in service will be passed by the respondent-department keeping in view the availability of the work, within a period of 08 weeks from the date of receipt of copy of this order and till the said order is passed by the respondents, the petitioners who are already in service, will be allowed to continue in service.

7. Learned counsel for the petitioners submits that keeping in view the statement made by the learned State counsel, present petitions may kindly be disposed of having been not pressed any further.

8. Ordered accordingly.

6. Civil miscellaneous application pending, if any is also disposed of.

7. Photocopy of this order be placed on the file of connected case.

November 08, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No