

2024:PHHC:147821



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.611 of 2023 (O&M)
Date of decision: 13.11.2024

Khem Chand and others
.....Petitioners
Versus
State of Haryana and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Diwan S. Adlakha, Advocate
for the petitioners.

Mr. Ravi Dutt Sharma, DAG, Haryana.

Mr. Munish Mittal, Advocate
for respondent No.7.

NAMIT KUMAR J. (Oral)

The present petition has been filed by the petitioners under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the official respondents not to replace the petitioners with the daily wagers or with the similar another employees in the absence of regular employee. Further a writ of prohibition has been sought for prohibiting the official respondents from illegally terminating the services of the petitioners, who have been working continuously on the post of Tubewell Operators for the last about 7 years.

Notice of motion in the present case was issued on 12.01.2023, by recording the following contention:-

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“Counsel for the petitioners submits that the petitioners are working as Water Pump Operators with Gram Panchayat Kalsaurarespondent No.7 and they are being sought to be replaced by another set of employees after the change in the constitution of the Gram Panchayat. He has placed reliance upon the judgment of a Co-ordinate Bench of this Court in CWP No.10310 of 2016 titled as 'Satish Kumar and another Vs. State of Haryana and others' decided on 10.02.2020, Annexure P-7 to contend that the petitioners cannot be replaced by another set of contractual employees till the regular selected employees join.

Notice of motion.

On asking of the Court, Mr. Pankaj Middha, Additional Advocate General, Haryana accepts notice on behalf of respondents No.1 to 5.

Respondent No.6 be served for 08.05.2023.

In the meanwhile, services of the petitioners be not dispensed with by another set of employees in case the work exists subject to the condition that their work and conduct is satisfactory.”

Learned counsel for the petitioners wishes to withdraw the present petition with liberty to avail the alternative remedy under Section 47 of the Haryana Panchayati Raj Act.

Dismissed as withdrawn with aforesaid liberty.

(NAMIT KUMAR)
JUDGE

13.11.2024
yakub

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