



CWP-6320-2024

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

(110)

CWP-6320-2024

Date of Decision : May 22, 2024

Mahesh Kumar and others**.. Petitioners****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Abhimanyu Singh, Advocate, and
Mr. Anupal Singh, Advocate, for the petitioners.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 01.02.2024 (Annexure P-8) by which, the plea of the petitioners for reinstatement on the post of Driver, has been declined.

2. Learned counsel for the petitioners submits that the petitioners were working on contract basis but now, their services have been terminated and the plea of the petitioners for reinstatement has also been declined by the respondents on the ground that there is no vehicle which is available with the Department so that the services of the petitioners can be engaged.

3. Learned counsel for the petitioners further submits that the petitioners can be posted in any other Department and hence, the impugned order dated 01.02.2024 (Annexure P-8) is liable to be set aside.



4. Keeping in view the advance copy given, Mr. Harish Nain, learned Assistant Advocate General, Haryana, has put in appearance and submits that once, the petitioners were appointed on a particular post in a particular Department, the claim of the petitioners for reinstatement or to allow them to continue in service can only be considered qua the post on which the petitioners were working and once, it has already come on record that there is no requirement in the Department as of now qua the post of Driver as no vehicle is available, no grievance can be raised by the petitioners.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, the petitioners were working on contract basis in a particular Department in a particular cadre, they can only claim continuance or reinstatement qua the said post in the same Department only. It has already come on record that there is no vehicle available in the Department so that the petitioners could be reinstated as Driver i.e. on the post on which they were working. That being the factual position, the impugned order cannot be faulted with in any manner so as to decline the benefit of adjustment against the post of Driver.

7. However, liberty is given to the petitioners that in case, henceforth, any post of Driver becomes available in the Department, they can file appropriate representation for considering their claim and in case any such claim is raised by the petitioners, the respondent-Department is directed to decide the same within a period of eight weeks of the receipt of the same by passing an appropriate speaking order.



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8. With the said observation, the present writ petition is dismissed.

May 22, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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