

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

**CWP-7568-2019 (O&M)
Date of Decision: 18.04.2024**

ANIL GAUTAM AND OTHERS

...Petitioners

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Stephan Masih, Advocate and
Ms. Madhu Rani, Advocate for the petitioners.

Mr. R.S. Budhwar, Addl. AG, Haryana.

Mr. Abhishek Sobti, Advocate for respondent No.5.

TRIBHUVAN DAHIYA, J. (Oral)

1. The petitioner has been filed inter alia seeking a writ of mandamus directing the respondents to regularise their services.

2. Perusal of the record shows that all the petitioners were appointed as Lab Technicians/Radiographers on contractual basis on different dates between 14.12.2015 to 06.01.2016 for a period of one year or till appointment of regular candidates, whichever was earlier. They are, however, continuing in service without any break and have claimed regularisation by relying upon the notification dated 18.06.2014, Annexure P-5, whereby earlier notification dated 13.04.2007 has been amended.

3. Learned State counsel contends that the prayer for regularization cannot be entertained as none of the petitioners had been appointed when the notification, dated 13.04.2007, was published. Besides the whole issue of regularisation is subjudice before the Supreme Court and the Department has not initiated any action to regularise the services of existing contractual, work charge or other employees.

4. Learned counsel for the petitioners is not in a position to deny that notification, dated 13.04.2007 is not applicable to the petitioners. He however submits, although the petitioners are continuing in service on contract basis, there is apprehension that they might be replaced by other contractual employees.

5. Keeping in view the aforesaid factual situation, the prayer for regularization of petitioners in services cannot be entertained at this stage. Accordingly, the petition is disposed, leaving it open for the petitioners to seek redressal of their grievance as and when government notifies any policy for regularisation. It is also directed that the petitioners will not be replaced by another set of contractual employees, however, the continuation in service will be subject to their satisfactory work and conduct, and availability of posts against which they are working.

6. Pending application, if any, also stands dismissed.

(TRIBHUVAN DAHIYA)
(JUDGE)

18.04.2024

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