



CM-4757-CWP-2024 in/&
CWP-8877-2020 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-4757-CWP-2024 in/&
CWP-8877-2020 (O&M)
Date of Decision :23.05.2024

Sikandar Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harmanpreet Kaur, Advocate
for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

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As prayed for, application is allowed.

Replication to the written statement is taken on record.

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In the present petition, grievance being raised by the petitioner is that the petitioner has not been allowed the benefit of renewal of his contract so as to allow him to continue in service after 23.06.2020 (Annexure P/9) and the said benefit has been declined to the petitioner so as to engage another set of employees on the same terms and conditions, which action of the respondents is totally arbitrary and illegal.



It may be noticed that vide interim order passed by this Court, the petitioner was allowed to continue in service and as of now, the petitioner is continuing in service on the post of Computer Assistant.

Learned counsel for the respondents submits that the averment that the petitioner is being replaced by another set of employees is not at all correct and as the contract of the petitioner was not extended, he was being relieved from service but the petitioner was allowed to continue in service under the interim order passed by this Court and the petitioner is still working on the said post. Learned counsel for the respondents further submits that no one has been appointed at the place of the petitioner.

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

It may be noticed that an employee is allowed to continue in service on contract basis in case, work of the post on which he/she is working exists and the conduct of the employee is above board. Learned counsel for the respondents has submitted that there was no move to replace the petitioner with another set of employees.

That being the factual position, present petition is disposed of with the direction to the respondents to decide as to whether work of the post on which the petitioner is working still exists or not keeping in view the guidelines issued by the Government of Haryana on the said aspect and in case, work of the said post still exists, the petitioner be allowed to continue in service subject to his work and conduct being above board. In case, the respondents are of the view that work of the post on which petitioner is



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working does not exist, the said fact be mentioned while passing the speaking order and till the said decision with regard to ascertaining whether the work of the post on which the petitioner is working still exists or not, keeping in view the interim order passed by this Court, the petitioner be allowed to continue in service subject to his work and conduct being satisfied.

At this stage, learned counsel for the petitioner submits that the petitioner has not been paid salary for the last four months.

Learned counsel for the respondents pleads ignorance qua the said fact but submits that in case any representation is filed by the petitioner seeking the benefit of salary for the last four months, the same will be considered by the authority concerned and an appropriate order will be passed within a period of 08 weeks from the date of receipt of copy of this order and in case, it is found that any salary is due to the petitioner, the same will be released to her otherwise, due reasons for not extending the salary for the said period will be mentioned in the order so passed.

Present petition is disposed of in above terms.

May 23, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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