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AT CHANDIGARH

CWP-11300-2019

Date of Decision : May 16, 2024

.. Petitioner

Versus

.. Respondents

CWP-17171-2020

.. Petitioner

Versus

.. Respondents

CWP-11199-2020

.. Petitioner

Versus

.. Respondents

CWP-27182-2022

.. Petitioners

Versus

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Malik (Ravi), Advocate, for the petitioners
in CWP-11300-2019, CWP-17171-2020 and
CWP-27182-2022.

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Mr. Sandeep Kumar, Advocate, for the petitioner
in CWP-11199-2020.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Mr. D.S. Rawat, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

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

2. In the present writ petitions, the grievance of the petitioners is that the petitioners were appointed on contractual basis as Research Officer under the project “ Building Capacities for Disaster Resilient Haryana” and the petitioners continued working upto March 2019 and they have been relieved from service and they have not been paid their salary for the month of January to March 2019 and further prayer of the petitioners is that the said post is being filled up again after relieving the petitioners, which cannot be done as contractual employees cannot be replaced by another set of contractual employees.

3. Upon notice of motion, the respondents have filed the reply wherein, it has been mentioned that the petitioners were appointed on the post of Research Officer in the Project namely “ Building Capacities for Disaster Resilient Haryana” and the Department has already decided not to extend the said project, keeping in view the decision of the concerned Department, the employees working there have been relieved.

4. Learned counsel for the respondents submits that the contention of the petitioners that the petitioners are being replaced by another set of

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contractual employees is totally incorrect as nobody is being replaced for the said project which has already been shelved and is not in existence any more since the year 2019.

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

6. Once the project under which the petitioners were appointed, has already been shelved and is no longer in operation, the petitioners cannot claim that they should be allowed to continue on the said post. Further, the contention of the petitioners that they are being replaced with another set of contractual employees, has already been denied by the respondents, which fact has not been rebutted by the learned counsel for the petitioners. Nothing has been brought on record that after the relieving of the petitioners, anybody in the said project has been appointed so as to term that the petitioners have been replaced by another set of contractual employees. In the absence of any such fact being proved on record, it cannot be held that the petitioners have been replaced with another set of contractual employee so as to violate the law.

7. The question that the petitioners have not been paid their salary from January to March 2019, the petitioners are relying upon certain slips of their attendance, copy of which has been appended with this petition as Annexures P-8 and P-9.

8. The respondents are directed to decide afresh the claim of the petitioners whether, keeping in view the slips Annexures P-8 and P-9, the petitioners are entitled for the salary for the period of January 2019 till

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March 2019 or not and appropriate order in this regard will be passed within

a period of eight weeks of the receipt of copy of this order. It goes without saying that in case, it is proved that the petitioners have worked in the month of January, February and March 2019, the petitioners be released their salary otherwise due reasons be given for not accepting the claim of the petitioners and the same be informed to the petitioners for their information and necessary action.

9. The present writ petitions are disposed of in above terms.

10. A photocopy of this order be placed on the file of other connected cases.

May 16, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No