

**CM-18825-CWP-2023 in/and
CWP-10450-2023 (O&M) 1**

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

**(109+270) CM-18825-CWP-2023 in/and
CWP-10450-2023 (O&M)
Date of Decision : December 16, 2024**

Vikas Kumar .. Petitioner

Versus

Guru Nanak Dev University and another .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Jindal, Sr. Advocate, with
Ms. Malvi Aggarwal, Advocate, for the petitioner.

Mr. M.K. Dogra, Advocate, for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

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As prayed for, the application is allowed.

Written statement filed on behalf of the respondents is taken on
record.

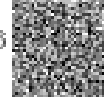
CM-8786-CWP-2023

As prayed for, the application is allowed.

Additional affidavit filed on behalf of the petitioner along with
Annexures P-8 to P10 are taken on record.

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1. In the present writ petition, the petitioner has raised two fold
grievances. One is that the petitioner should be allowed to continue in



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service till the work exist and be not replaced with a similarly situated employee on contract basis and further, the claim of the petitioner be considered for regularization of the service.

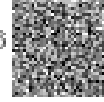
2. Learned counsel for the respondents submits that the petitioner will not be replaced with another set of contractual employee and will be allowed to continue in service till the work of the post exist subject to his satisfactory work and conduct.

3. Learned counsel for the respondents further submits that as of now, there is no post against which the services of the petitioner can be regularized and as and when any policy is framed and the petitioner is working at the relevant time and if he fulfills the requisite terms and conditions of the policy, the claim of the petitioner for regularization of his service will also be considered.

4. Learned counsel for the petitioner submits that the petitioner is relieved from service during the vacation so as to deny him the salary for vacation period hence, the respondents be directed not to relieve the petitioner during the vacation keeping in view the judgment of the Hon'ble Supreme Court of India in ***Rattan Lal vs. State of Haryana (1985) 4 SCC 43.***

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

6. Once the petitioner is working on contractual basis, he cannot be replaced with another set of contractual employees on the same terms and conditions hence, the respondents have already undertaken before this



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Court not to replace the petitioner with another employee on the same terms and conditions on which the petitioner is already working.

7. Further, the petitioner is entitled to continue without being relieved during the vacation keeping in view the judgment of the Hon'ble Supreme Court of India in ***Rattan Lal's case (supra)***.

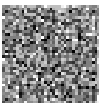
8. Learned counsel for the respondents has not been able to rebut the said fact and settled principle of law.

9. Once, a contractual employee is working, he/she is entitled to continue in service even during the vacation period and therefore, the respondents are restrained from relieving the petitioner during the vacation period of the University so as to be appointed again after the vacation.

10. With regard to the claim of the petitioner for regularization, the respondent-University has said that as and when any policy is framed keeping in view the eligibility of the petitioner qua the said policy, his claim will also be considered for regularization.

11. No further direction is required to be issued keeping in view the statement of the learned counsel for the respondents.

12. Further, the respondents are on record to say that as of now, there is no regular sanctioned post against which the service of the petitioner is regularized. That being the factual aspect, direction is issued to the respondents that as and when any policy is framed by the University for regularization of the services of the employees, the claim of the petitioner be also considered in accordance with law keeping in view the terms and conditions of the said policy in case the petitioner is working at the relevant



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time.

13. The present writ petition is disposed of in above terms.

December 16, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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