

CWP-147-2013 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CWP-147-2013 (O&M)
Date of Decision: 05.03.2024

Isar Singh and others

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Sonia S. Singh, Advocate and
Ms. Amandeep Kaur, Advocate for the petitioners

Mr. Dheeraj Jain, Senior Panel Counsel with
Ms. Shreyansi Verma, Central Govt. Counsel,
for Union of India-respondent No.1

Mr. Namit Gautam, Advocate for respondent Nos.2 to 4

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of order dated 27.12.2012 (Annexure P-5) whereby they have been terminated without affording opportunity of hearing.
2. On 26.10.2017, the following order was passed:-

“Petitioners' services were engaged on contract basis in a project. From time to time their services have been extended. The last extention of contract is during the period from 01.12.2009 to 20.11.2014. During the existance of contract period, petitioners services were terminated on 27.12.2012 on the score that respondents needed only technical persons. By

virtue of interim prayer, the petitioners are continuing. To substantiate the contention of the respondents that they required to implement AMC of the project only through contract engineers with the qualification of graduate in Engineering in Electricals and other discipline. Therefore, services of the petitioners are no more required. In this background, the concerned respondent is hereby directed to file an affidavit that ASCON Project is existing from 01.12.2014 to 30.11.2019 for which the respondents are engaging only contract Engineers (Graduate Engineers). Other than contract engineers are not working in the project of ASCON. Affidavit be filed before the next date of hearing.

List this matter on 01.12.2017.

Learned counsel for the petitioners submitted that petitioner No.6- Mr. Satish Kumar is suffering from certain illness for which he is in dire need of financial assistance. Therefore, if any application or representation is made to the respondents for the purpose of releasing provident fund, the concerned respondent is hereby directed to extend the benefit in accordance with law.”

3. The respondents in compliance of aforesaid order has filed affidavit to the effect that respondents are engaging graduates in Engineering or diploma holders. The petitioners except Nos.1 and 7 are neither graduates in Engineering nor diploma holders, thus, they cannot be retained.

4. Learned counsels for the parties are *ad idem* that identical issue was considered by Rajasthan High Court in a bunch of petitions including ***S.B. Civil Writ Petition No.204/2013, Ganpat Lal Prajapat v. I.TI. Ltd. and others***. The Rajasthan High Court vide order dated 25.02.2015 (Annexure R-3) has disposed of writ petitions with a liberty to the petitioners therein to approach the respondent. The Court has further directed respondents to consider petitioners if avenues are available.

5.

Learned counsel for the petitioners submits that dues of the petitioners are pending with respondents and they may be directed to release the same.
6.

As per the respondents, no vacancy is available, thus, petitioners at this stage cannot be adjusted.
7.

The petition stands disposed of in terms of order dated 25.02.2015 (Annexure R-3) passed by Rajasthan High Court in ***Ganpat Lal Prajapat (supra)***. The respondents are further directed to release dues of the petitioners, if any, within 3 months.
8.

Pending applications(s), if any, shall also stand disposed of.

05.03.2024
Mohit Kumar

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

MOHIT KUMAR
2024.03.05 16:17
I attest to the accuracy and
integrity of this order/judgment.