

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-17825-2021
Date of decision : 03.05.2024

Rajpreet SinghPetitioner

V/S

State of Punjab and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Laxman Choudhary, Advocate for the petitioner.
Mr. Teevar Sharma, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ of mandamus directing the respondents to permit the petitioner to continue as Mali on contract basis till regular recruitment to the post of Mali is made in the office of respondent No.3.
2. While issuing notice of motion on 09.09.2021, the following order was passed :-

“Petitioner-Rajpreet Singh has filed the present petition, inter alia with a prayer for issuance of a writ in the nature of Mandamus directing the respondents to permit the petitioner to continue as Mali on contract basis in view of his past over a decade of service till regular recruitment is made.

Learned Sr. Counsel submits that apart from the other facts given in the writ petition, recently in pursuance to Advertisement Annexure P-5 issued in the month of July 2021, the petitioner had joined on the post of Mali. He submits that services of the petitioner have been dispensed

on 23.08.2021 and since then, he is not being allowed to continue his services.

Learned Sr. Counsel also submits that there is an apprehension that respondents shall engage another contractual employee replacing the petitioner. He relies upon the judgment passed by Hon'ble the Supreme Court of India in **Hargurpartap Singh Vs. State of Punjab** reported as **2007 (13) SCC 292**.

Notice of motion for 25.01.2022

In the meantime, the respondents are directed to give preference to the petitioner in case fresh appointment is made once again by contract on the same post.”

3. In the reply filed on behalf of respondents No.1 to 3, it has been stated as under :-

“2. That in this regard it is submitted that the petitioner had been in employment as Mali contractual basis, Sainik Board from 20 Sep 2016 for different terms with breaks in between as under :-

Sr.No.	Designation	From	To	Remarks
(a)	Mali	20 Sep 16	07 Jun 17	09 Months
(b)	Mali	12 Jun 17	04 May 18	11 Months
(c)	Mali	11 May 18	07 Apr 19	11 Months
(d)	Mali	15 Apr 19	10 Mar 20	11 Months
(e)	Mali	18 Mar 20	21 Aug 20	05 Months
(f)	Mali	01 Sep 20	31 Jul 21	11 Months

3. That according to the applicable rules the petitioner has been selected by the interview board and his contract concluded on 31 Jul 2021. It is worth to mention that petitioner being civilian is eligible for the appointment as per rules. The conditions for the appointment of the Mali is as per Appendix 'C' "Ex service man or trained civilian Mali not more than 40 years of age" and should be proficient in his job and should have at least three years experience from some reputed set up". The true copy of

applicable rules for the Sainik Rest House in the state of Punjab is Annexure R-1.

4. That the interview for the post of Mali has conducted on 23 Jul 2021 in view of the advertisement dated 17 Jul 2021. The petitioner got selected but subsequently the interview proceeding have been cancelled vide letter dated 23 Aug 2021. The true translated copy of the letter dated 23 Aug 2021 is Annexure R-2.

5. That as the fresh advertisement is yet to be issued, therefore, no appointment has been made till date after the completion of the contractual period of the petitioner. The claim of the petitioner will considered as and when recruitment will be made according to the service rules.”

4. In view of the stand taken by the respondents in their written statement as reproduced above, learned counsel for the petitioner submits that the instant petition has been rendered infructuous and the same may be disposed of as such. He further submits that liberty may be granted to the petitioner to approach this Court at a subsequent stage, if the need so arises.

5. Disposed of as having become infructuous with liberty as aforesaid.

03.05.2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No