

CM-18707-CWP-2023 in/and
CWP-7918-2016

2024:PHHC:039108

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101+208)

CM-18707-CWP-2023 in/and
CWP-7918-2016
Date of Decision : 19.03.2024

Rajinder Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sangeeta Dhanda, Advocate for the petitioners.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-18707-CWP-2023

The present application has been filed to place on record affidavit in compliance of the order dated 18.05.2023 passed by the Co-ordinate Bench.

Application is allowed and affidavit is taken on record.

CWP-7918-2016

1. In the present petition, the grievance of the petitioners is that the petitioners, who were working on contractual basis, their services were sought to be dispensed with by not granting them any extension.
2. Learned counsel for the petitioners argues that till the posts are to be filled up on contract basis, the petitioners should be allowed to

continue till the work of the said post exists or the regular employee joins on the said post.

3. Learned counsel for the respondents, on the other hand, submits that keeping in view the change in Policy, the posts are to be filled through the Haryana Kaushal Rozgar Nigam and those posts are also lying vacant and though, the Administrative Department has already written to the said Nigam to recommend the names but no action has been taken by the Nigam. Learned counsel for the respondents further submits that keeping in view the interim order, the petitioners are already continuing in service.

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

5. The prayer of the petitioners is that they should not be replaced with the similarly situated employees only on the ground that henceforth the posts are to be filled up through the Haryana Kaushal Rozgar Nigam even for employing the Staff on contract basis.

6. Once, the petitioners are already working, the names of the petitioners can also be recommended by the Haryana Kaushal Rozgar Nigam as no impediment has been brought to the notice of this Court qua the reconsideration of the names of the petitioners by the Haryana Kaushal Rozgar Nigam.

7. Further, as per the affidavit, which has been filed by Dr. Rachna Mishra, Deputy Civil Surgeon, Faridabad dated 25.09.2023, she has already submitted that the posts in question are lying vacant and a

request had already been made to the Haryana Kaushal Rozgar Nigam to recommend the name to man those posts.

8. That being the factual position, once the work of the post exists even as per the respondents and the petitioners are already discharging the duties of the said post, hence, it would be appropriate to direct the Haryana Kaushal Rozgar Nigam to recommend the names of the petitioners so as to continue on the said post till the same are filled on regular basis of the work of the posts exists whichever is earlier, in case work and conduct of the petitioners remains satisfactory.

9. The appropriate direction is accordingly issued to the Haryana Kaushal Rozgar Nigam. As under the interim order, petitioners are already continuing in service, they will be allowed to continue in service and after receiving the appropriate recommendation from the Haryana Kaushal Rozgar Nigam, the appointment of the petitioners will be treated to have been made as per recommendation from the said authority.

10. Present petition is disposed of in above terms.

March 19th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No