

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(227)

CWP-26340-2019 (O&M)

Date of Decision : January 10, 2024

Deepak

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Mor, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that he will be relieved from service upon joining of the regular candidate namely Rohtash Kumar, who was selected on regular basis whereas, as the petitioner was working on a regular post, he should have been retained and instead respondent No.5 should have been relieved from the post.

2. The respondents have filed the reply. Relevant paragraphs 4 and 5 of the reply are as under:-

“4. That at the time of joining of Sh. Rohtash Kumar as Peon on regular basis, two persons namely Sh. Deepak Kumar, the petitioner and Sh. Yogender, respondent No.5 had been working in the District Library, Jind purely on contract basis. The petitioner has been working as Peon against sanctioned post whereas respondent No.5 had been working as Peon cum Mali, against the post which has neither been sanctioned and nor approved by the department of Higher Education, Haryana

in District Library, Jind. That consequent upon joining of Sh. Rohtash Kumar as Peon on regular basis in District Library, Jind, respondent No.4 i.e. Principal, Government College, Jind cum Controlling Authority, District Library, Jind stopped respondent No.5 to work as Peon cum Mali in the District Library, Jind as he was working against the post of Peon cum Mali which has neither been approved nor sanctioned by the Department of Higher Education, Haryana in the District Library, Jind.

5. That the answering respondents have not relieved the petitioner on the joining of regular employee as there are two sanctioned posts of peon.”

3. Learned counsel for the petitioner submits that keeping in view the stand taken by the official respondents upon joining of Rohtash Kumar, respondent No.5 who was working as Peon cum Mali in the district, has been relieved and the petitioner has not been relieved on joining of the regular, the present writ petition has been rendered infructuous and the same may kindly be disposed of as such.

4. Ordered accordingly.

CM-17495-CWP-2019

As the main writ petition has been disposed of, present application also stands disposed of.

January 10, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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