



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124)

CWP No.24188-2024
DATE OF DECISION: 20.09.2024

Kuldeep Singh and othersPetitioners

VERSUS

State of Punjab and othersRespondents

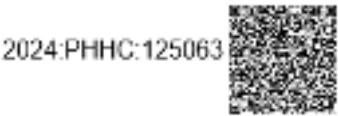
CORAM HON’BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present Mr.Dheeraj Mahajan, Advocate,
for the petitioners.

Mr.Satnam Preet Singh Chauhan, DAG, Punjab.

HARSIMRAN SINGH SETHI, J (ORAL)

1. Learned counsel for the petitioners submits that the petitioners are being replaced by another set of contractual employees on the same terms and conditions even though, the petitioners fulfil all the requisite qualification so as to continue on the post of Instructors.
2. Learned counsel for the petitioners submits that as per the settled principle of law, an employee who is already working on contract basis, cannot be replaced by another contractual employee on the same terms and conditions.
3. Notice of motion.
4. On the asking of the Court, Mr. Satnam Preet Singh Chauhan, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.
5. Learned counsel for the respondents submits that the petitioners do not fulfil the requisite qualification prescribed under the rules. Learned State counsel further submits that even when the petitioners were appointed, they were only appointed under the exception which stated that in case, anyone with



the qualification prescribed under the rules is not available, the candidate with technical qualification be recruited and the petitioners were only recruited on the basis of technical qualification but now respondents have again advertised the post in terms of the Rules governing the service keeping in view the essential qualification provided therein.

6. At this stage, learned counsel for the petitioners submits that liberty be given to the petitioners to compete for the posts and in case no one eligible under the rules is available, the claim of the petitioners be considered as done in the previous years.

7. Learned counsel for the respondents submits that in case, the petitioners apply for the post in question within a period of seven days from today and in case any such situation arises that nobody is found eligible keeping in view the rules governing the service, the competent authority will pass an appropriate order as to whether to follow the process, which was followed in the earlier years and in case, it is found feasible to follow the same process, the claim of the petitioners will be considered in case they have applied for the post otherwise, due reasons will be given for not accepting the request of the petitioners and the same will be conveyed to the petitioners.

7. Learned counsel for the petitioners submits that in view of the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioners to approach the respondents so as to allow them to compete for the post in question.

8. Ordered accordingly.

20.09.2024 (HARSIMRAN SINGH SETHI)
mamta JUDGE

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