



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(144)

CWP No. 25881 of 2024
Date of Decision : 04.10.2024

Shispal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C. Arora, Advocate with
Ms. Sunaina, Advocate for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 09.08.2024 (Annexure P-11).
2. Learned counsel for the petitioner argues that the petitioner was appointed as Education Provider on temporary basis as a stop gap arrangement but as there was an FIR registered against the petitioner, due to which, the petitioner could not perform the duties for certain period, the services of the petitioner were terminated and thereafter, as the petitioner was acquitted by the competent court of law, petitioner filed a representation for reinstatement, which relief has been declined by the impugned order dated 09.08.2024 (Annexure P-11). Learned counsel for the petitioner submits that once the petitioner has been acquitted, he is entitled for reinstatement in service.



3. Keeping in view the advance copy given, learned State counsel has appeared and has defend the impugned order on the ground that in the last couple of years, the direct recruitment on regular basis has already been made after which, there is no need of any more Education Provider, hence in the absence of any need, petitioner cannot be allowed to join and, therefore, the petitioner's claim that he should be reinstated without appreciating the fact that there is no requirement of the services of the petitioner as of now, the claim of the petitioner is liable to be rejected.

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

5. It is a conceded fact that the petitioner was appointed as Education Provider on temporary basis as a stop gap arrangement. It is also a conceded fact that the petitioner was facing criminal proceedings, due to which, he absented himself, which factor contributed to the termination of the services of the petitioner. If the petitioner has been acquitted, he can only be allowed to be reinstated in case, there is requirement of the services of the petitioner qua the post on which he was working prior to termination of his services. The respondents are on record to say that keeping in view the appointment of the regular Teachers as per the requirement, there is no further requirement of any Education Provider as of now.

6. That being so, no relief can be granted to the petitioner for reinstatement. However, the respondents are directed that in case, requirement of the services of the petitioner is needed in future, the petitioner's claim be considered along with the other eligible for appointment. In case, the petitioner also comes to know that there is a



vacancy against which he can be appointed afresh, the petitioner will be at liberty to file appropriate representation raising the said claim, which claim will be decided within a period of eight weeks of the receipt of any such representation.

7. Present petition is disposed of with above said observations.

October 04, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No