



**112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA-2663-2025 (O&M)

Date of Decision:04.12.2025

KULDEEP SINGH AND OTHERS

....APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Yesh Paul Malik, Advocate
for the appellants.

Mr. Pankaj Middha, Addl., AG, Haryana.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. This appeal arises out of an order passed by the learned Single Judge dated 07.04.2025, whereby the writ petition filed by the present appellants has been dismissed.

2. Facts as have been noticed by the learned Single Judge are otherwise not in dispute. The appellants were engaged on contractual basis on the post of PGTs/TGTs in the Education Department for certain period. Their engagement came to an end in the year 2022. It is undisputed that the last engagement of the appellants came to an end in the year 1999. It is after 23 years that a writ petition was filed claiming entitlement for re-engagement on the ground that certain vacancies existed. A direction was issued by the learned Single Judge of this Court to consider the appellants' claim. Though, some recommendations were made but ultimately the claim of the appellants has not been accepted.

The writ petition filed by the appellants before the learned Single Judge

was virtually a third straight petition with respect to the same cause after the authorities had not accepted their contention. Learned Single Judge has observed as under to non-suit the appellants:-

“6. It is apparent on record that the petitioners’ representation to the Nigam was duly considered, and they were asked to specify/share the number of requisition raised by the Department seeking deployment of contractual manpower. Learned counsel is not in a position to dispute that no requisition has been sent so far. His prayer to direct the respondents to send the requisition cannot be accepted since the Department cannot be forced to engage services of the petitioners or that of any other person as it is for the employer to decide when is the manpower required considering the needs. It is not the petitioners’ case that they have any vested right to re-appointment as PGTs/TGTs.”

3. Learned counsel for the appellants places reliance upon an order passed by this Court in the year 2002 in respect of certain other persons to claim parity and to submit that the appellants are entitled to the engagement against the available vacancies.

4. We find the claim of the appellants to be hopelessly barred by laches and, otherwise, devoid of any merits. The contractual engagement of the appellants was up to the year 1999. After the expiry of nearly 23 years, we do not find any occasion for this Court to have entertained the appeal or to direct any consideration on the appellants’ claim when it is, otherwise, not shown that the respondents have acted arbitrarily. Law is well-settled that merely because vacancies exist, no direction can be issued to the employer to make appointment particularly when the action of the respondents is not found to be arbitrary. We are in

absolute agreement with the learned Single Judge inasmuch as the claim of the appellants, apart from being grossly barred by laches, is otherwise bereft of any merits.

5. In that view of the matter, the instant appeal, filed by the appellants, fails and is accordingly dismissed.

6. Pending application(s), if any, also stand disposed of.

7. After the above order was passed, learned counsel insists that the claim of the appellants is liable to be considered, as in the year 2002 an undertaking was given by the State counsel in the case of other persons. We are at our *wits' end* to understand how an undertaking given in entirely different circumstances, 23 years ago, could bind the authorities at this stage. The plea, in this regard, is noted only to be rejected.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

DECEMBER 04, 2025

Rahul Joshi

1. Whether Speaking/reasoned	Yes/No
2. Whether Reportable	Yes/No