



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CWP-5531-2026

Date of Decision: 11.03.2026

PANKAJ KUMAR

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

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

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to grant the protection of service to the petitioner under the Haryana Contractual Employees (Security of Service) Act, 2024 and Haryana Contractual Employees (Security of Service) Rules, 2025, Annexures P-18 and P-20, respectively, and adjust him against the vacant post of Physical Education Assistant by activating portal for him as requested vide representations dated 02.02.2026 and 09.02.2026, Annexures P-17 and P-17/1, respectively.

2. Learned counsel for the petitioner contended that the petitioner was appointed as Physical Training Instructor (PTI) pursuant to a regular selection process and worked in different Government schools from 04.05.2010 to 02.06.2020, as apparent from the experience certificate dated 22.01.2021, Annexure P-7. His services were terminated as the selection of PTIs itself had been set aside. Later, he was deployed as Para Teaching



Associate (Physical Education Assistant) by the Haryana Kaushal Rozgar Nigam Limited (for short, 'the Nigam'), and redeployed vide letters dated 06.08.2023 and 28.09.2023, Annexures P-8 and P-9, respectively. On account of his mother's ailment, he had to be by her side and requested the Department to sanction him leave for the purpose vide application dated 01.11.2023. However, due to the falling health of his mother, the petitioner absented from duty from 01.12.2023. He has not been allowed to rejoin, and the post remains unoccupied. In this regard, a reference has been made to letter dated 30.01.2026, Annexure P-26, issued by Elementary School Headmaster, Government Middle School, Johluwal, Panchkula, informing the Block Education Officer, Pinjore, that the post against which the petitioner had been working was still vacant. The said information was uploaded on the Nigam's portal as well. In terms of the Deployment of Contractual Persons Policy, 2022, Annexure P-35, the Nigam is the competent authority to take any punitive action against the deployed persons like the petitioner, but no such action has been taken so far. In case the petitioner is redeployed, he will be entitled to the benefit of security of service under the 2025 Rules, as in terms of sub-rule (4) to rule 3, the service rendered by him on contractual basis in the Department from 04.05.2010 to 02.06.2020 will be counted for the benefits admissible thereunder.

3. Learned State counsel, however, contended that the petitioner remained absent from 01.12.2023, and is not entitled to be taken back in service. His tenure of deployment was upto 31.03.2024, and he never contacted the Nigam or the Department for rejoining the duty prior thereto. After expiry of the tenure, there is no requirement to take any punitive action against him, nor can he be allowed to rejoin. She, however, does not dispute

that no punitive action has actually been taken against the petitioner in terms of the Deployment Policy after following the procedure laid down.

4. In these circumstances, the petition stands disposed of with a direction to the fifth respondent/Chief Executive Officer, Haryana Kaushal Rozgar Nigam, Skill Development and Industrial Training Department, to take appropriate action with regard to the petitioner’s entitlement to rejoin duties by considering his representations dated 02.02.2026 and 09.02.2026, in accordance with law, within two months of receiving a certified copy of the order.

(TRIBHUVAN DAHIYA)
JUDGE

11.03.2026
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>