
(2012) 01 P&H CK 0133
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 19008 of 2011

Ajmer Singh

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 17-01-2012

Acts Referred:

Citation : (2012) 01 P&H CK 0133

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Augustine George Masih, J.—Prayer in this petition is for quashing of order dated 15.07.2011 (Annexure P-9) vide which the petitioner was directed by the Additional Director, Urban Estates, Haryana, Panchkula, not to be engaged any more. This very order was earlier challenged by the petitioner by way of CWP No. 5044 of 2010 decided on 11.05.2011 when this Court, on hearing the counsel for the parties and on consideration of the matter, passed the following order:

On consideration of the matter, I am of the opinion that no right accrues to the petitioner to insist on employment on the ground that the work still subsists and the post is also lying vacant. The contractual employment would not entitle him to claim employment unless he demonstrates that some other person has been appointed in his place on the similar terms and conditions. There is no such material on record. The petition is thus held to be without any merit and is accordingly dismissed. However, if the need subsists and the respondents are desirous of filling up the post, they are at liberty to consider the claim of the petitioner in view of the fact that he has already worked with them. The petitioner shall also be at liberty to approach this Court if he is replaced by a person on similar terms as those of the petitioner.

2. Now the petitioner has again approached this Court with a plea that the respondents have engaged a person, namely, Manoj Kumar, who is doing typing

work for the department and he is being paid for the quantum of work being done by him. In support of this contention, he has placed reliance upon the receipts issued by Manoj Kumar , which have been appended as Annexure P-10 (colly). On this basis, he contends that the petitioner was performing same job for Rs. 5,000/- which now the respondents are paying much more and getting the same work done. The petitioner was appointed on contract basis but on a regular post which post is still lying vacant. He, therefore, contends that the procedure now adopted by the respondents is only to circumvent the order dated 11.05.2011 passed by this Court in the earlier writ petition preferred by the petitioner and, therefore, the petitioner is entitled to reinstatement in service.

3. I have heard the counsel for the petitioner and have gone through the records of the case.

4. As is apparent from the order passed by this Court on 11.05.2011, which has already been reproduced above, the contention as raised by the petitioner and argued by the counsel for the petitioner does not carry weight as the Court had only given him liberty to approach the Court in case some other person is appointed in his place on similar terms and conditions, which is missing in the present case.

5. Finding no merit in the present writ petition, the same stands dismissed.