

(2013) 07 P&H CK 0313
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 16288 of 2013

Amandeep Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 30-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0313

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Vivek Sharma, for the Appellant; Sudeepti Sharma, DAG, Punjab, for the Respondent

Final Decision : Disposed Off

Judgement

Tejinder Singh Dhindsa, J.—Notice of motion. On the asking of the Court, Ms. Sudeepti Sharma DAG, Punjab accepts notice on behalf of respondents-State. Requisite copies of the writ paper book have been supplied to her.

2. The petitioners, who are working as Member of the Guest Faculty in respondent no. 3, 4 & 5-colleges apprehends that they will be replaced in terms of appointment of another Guest Faculty Lecturer on ad hoc basis for the session 2013-14.

3. Learned counsel for the parties are agreed that such controversy stands settled in terms of a Division Bench Judgment of this Court dated 11.4.2005 passed in CWP No. 7882 of 2004 titled as Rajwinder Kaur & others Vs. State of Punjab & others wherein it has been held as under:-

8. The first issue involved in this case is whether or not the petitioner should be allowed to continue as lecturers (Guest Faculty) on part time basis. Keeping in mind, the order passed by the Supreme Court in Hargurpartap Singh's case (fully extracted above), we consider it just and appropriate to allow the respondent to dispense with the service of the petitioner, in case their services are no longer required. It will, however, not be open to the respondents to

substitute the petitioner with other for the same purpose for which the petitioners have been engaged. As a matter of clarification, it may be stated that the nomenclature of the substitutes would be irrelevant, in other words engagement of employees as a matter of temporary arrangement (ad hoc, stop gap, current duty, part time, contractual, temporary) so as to replace the petitioner would not be permissible. In case the respondents desire to take work, in the same fashion as it is/was being taken from the petitioner, it would be imperative for the respondents to allow the petitioner to continue in their present assignments or to induct them, in case their services have already been dispensed with. This direction will however be subject to one over riding condition, namely, that it would be opened to the respondents to hold a regular process of selection by inviting applications from all eligible candidates i.e. by following the same procedure which the Education Department, Punjab follows while making appointments against the post of lecturers in Govt. Colleges And in case such a process of selection is held, it would be opened to the respondents to make appointments there from based on the merits of candidates who had participated in the said process of selection. The instant arrangement has the approval the rival parties.

4. Accordingly, the present writ petition is disposed of with a direction that it shall not be open for the respondent-authorities to replace the petitioners in terms of employing other Lecturers in terms of such temporary arrangement. The service of the petitioners shall be continued subject to their eligibility, good conduct as also the workload in the college. It shall, however, be open for the respondents to replace the petitioners in pursuance to a process of a regular selection as and when the same takes place. Petition disposed of.