
(2008) 01 P&H CK 0191
In the Punjab And Haryana At Chandigarh

Ashok Kumar and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 24-01-2008

Acts Referred:

Citation : (2009) 2 SLR 510

Hon'ble Judges : Jaswant Singh, J; Jasbir Singh, J

Bench : Division Bench

Judgement

Jasbir Singh, J.—This writ petition will dispose of C.W.P. Nos. 5289, 5414, 5418, 5425, 5426, 5460, 5470, 5482, 5642, 5866, 5978, 6067, 6110, 6204, 6235, 6264, 6288, 6375, 6668, 6801, 7073, 7284, 7524, 7967, 8484, 8799, 8809, 10323, 10435, 10436, 10526, 10610, 10813, 10948, 11142, 11627, 14150, 14188, 14815, 14816, 17383, 12590, 13493, 13655 of 2007 and C.W.P. Nos. 106 & 1084 of 2008.

2. Facts are being mentioned from C.W.P. No. 5289 of 2007. The petitioners are qualified to be appointed as Instructors in the Industrial Training and Vocational Education Institutes. To select them, on contractual basis, the State of Haryana constituted a Committee. After going through the necessary selection process, the petitioners were appointed in the months of October/November 2006. They were selected to impart training to the students, in different trades, in the above mentioned educational institutions. Their initial appointment was for a period of six months. They were made to execute an agreement dated 8.11.2006 (Annexure P-7), admitting terms and conditions of their appointment. When the period of six months was going to elapse, some of the petitioners and other similarly situated Instructors came to this Court apprehending their termination. At that time no written order was passed in that regard. Their writ petition was disposed of being premature.

3. Thereafter, when letter dated 15.3.2007 (Annexure P-10) was issued by the Deputy District Vocational Education Officer, Bhiwani to the Principals of Vocational Education Institutes, stating that on completion of six months' period,

their services be terminated, the petitioners filed this writ petition.

4. On 5.4.2007, respondents were directed to maintain status quo with regard to services of the petitioners. Admittedly, the petitioners, on the strength of above said orders, continued in service. In the similar other writ petitions, same orders were passed. During the pendency of this writ petition, State of Haryana by taking note of orders passed by this Court and also keeping in view the on going courses in technical institutes issued a letter dated 22.6.2007, extending service of the Instructors like the petitioners, who were initially taken in service for a period of six months, for a further period of six months. Even after expiry of that extended period, the petitioners are continuing in service in view of orders passed by this Court.

5. In this writ petition, the petitioners have prayed that till such time regularly selected candidates are not appointed, they be not replaced by appointing Instructors on contract basis. Their further prayer is to grant them enhanced pay on the principle of equal pay for equal work.

6. Shri Rathee has placed on record a document, which we have taken on record, in which it has been stated that with regard to 97 posts of the Instructors shown in Annexure-A process of selection will be completed within a period of 3 months approximately. With regard to 151 posts shown in Annexure B selection process is likely to be completed within a period of 8 to 10 months.

7. At the time of hearing, on getting instructions from Sh. Rajpal Singh, Joint Director, Industrial Training and Vocational Education Department, learned Advocate General, Haryana gave a very fair concession that till such time candidates are not selected and appointed on regular basis the petitioners shall not be replaced with other contractual employees. Statement made by the Advocate General, Haryana satisfies counsel for the petitioners and they very gracefully state that they are not pressing their claim to get higher wages as claimed by them in these writ petitions.

8. In view of the consensus arrived at between the parties, we dispose of these writ petitions with a direction to the respondents to allow the petitioners to continue in service, subject to all terms and conditions which they had accepted by executing agreement dated 8.11.2006 (Annexure P-7). It is further made clear that in case work and conduct of any employee is not up to the mark, authority(s) concerned will be at liberty to take action as per rules. It is further directed as follows:

(i) That the petitioners shall not be entitled to continue in service, when regularly selected candidates, on completion of on going selection process are appointed against the posts, the petitioners are holding at present.

(ii) In case the department decides to close down any trade in any institute, incumbent of those posts will have no right to continue. However in case that very trade is opened in any other institute and if former teachers are available,

they be offered the posts in the first preference.

(iii) In case the department of Vocational Education is merged with the department of Secondary Education, the petitioners will continue to work on the same terms and conditions under which they are working now and will leave the post when regularly selected candidates are appointed against them or in case on account of availability of regular staff their services become surplus. It is made clear that in case any further clarification is needed any of the party may file an application for that purpose.

9. Disposed of.