
(2024) 10 UK CK 0083

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 281, 9, 10, 11, 43, 112, 138, 144, 174, 218, 261, 298, 418 Of 2019, 600, 601, 602, 612, 623, 624, 625, 627, 630, 631, 632, 668, 671, 672, 673, 674 Of 2018, 136 Of 2023

Himani Sah And Others.

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 17-10-2024

Acts Referred:

Citation : (2024) 10 UK CK 0083

Hon'ble Judges : Manoj Kumar Tiwari, J; Vivek Bharti Sharma, J

Bench : Division Bench

Advocate : Sanjay Bhatt, Vinay Kumar, M.S. Bhandari, S.S. Ajmani, M.C. Pant, Anil Anthwal, Piyush Garg, Yogesh Pant, Shobhit Saharia, Dushyant Mainali, C.S. Rawat, Gajendra Tripathi, Vandana Singh

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Since common questions of law and facts are involved in these Writ Petitions, therefore, they are being heard and decided together. However, for the sake of brevity, the facts of Writ Petition (S/B) No. 281/2019 alone are being considered and discussed.

2. Petitioners were engaged as Guest Lecturers in different Government Polytechnics, run by the State Government, in different years, and they were paid honorarium for the number of lectures they gave. Their status was, subsequently, changed to that of contract lecturers, and their honorarium was also revised to Rs. 3000/- per month w.e.f. 01.09.2014. Some of the petitioners approached this Court by filing Writ Petitions, and the Coordinate Bench of this Court directed for grant of minimum pay-scale to them, and also directed to consider their claim for regularization, ignoring the artificial break(s), if any, in their services.

3. The direction issued by this Court in Writ Petition (S/B) No. 409/2017 was challenged by the State Government before the Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (C) No(s). 25919-25928/2018, which were disposed of by the Hon'ble Supreme Court on 08.10.2018, and the State Government was granted liberty to approach the High Court by filing a Review Petition. The State Government, thereafter, filed a Review Petition before this Court. The Coordinate Bench of this Court, vide order dated 19.11.2018, allowed the Review Petition, and reviewed its earlier order dated 14.06.2018.

4. According to the petitioners, sometime in the month of October, 2018, they were orally directed not to mark their attendance in the Government Polytechnics, and, consequently, the petitioners filed these Writ Petitions before this Court, challenging the oral termination order. This Court, on 12.10.2023, passed the following order :

"2. Petitioners were appointed as Lecturer/Instructor in different Government Polytechnics in different years, after due selection against sanctioned vacant post. According to petitioners, their contractual appointment was orally terminated before completion of their term, that too without assigning any reason.

3. Grievance of the petitioners is that the vacancies, against which they were appointed, are now being sought to be filled through outsourcing.

4. The stand taken by the State Government is that requisition for filling up such vacancies have been sent to Uttarakhand Public Service Commission and those vacancies are likely to be advertised shortly. Thus, it is apparent that sufficient number of vacancies are available on the post of Lecturer/ Instructor in different Government Polytechnics, which are sought to be filled through outsourcing, pending selection.

5. List these petitions for final disposal on 06.01.2024. In the meantime, such petitioners, who were eligible for appointment as Lecturer/Instructor at the time of their entry into service, shall be considered for engagement against available vacancies in different Government Polytechnics, within six weeks. Their engagement shall last till joining of the regularly selected persons"

5. Pursuant to the aforesaid order dated 12.10.2023, some of the petitioners were permitted to resume their duties, as lecturer/ instructor.

6. Mr. C.S. Rawat, learned Chief Standing Counsel for the State of Uttarakhand, submits that all the petitioners, who had approached the Competent Authority in Technical Education Department by making a representation, have been restored back in employment, subject to availability of vacancies through outsourcing. Further, on instructions, he makes a statement that all the petitioners, and also the interveners, who have been offered engagement through outsourcing, in terms of the order of this Court, shall be considered for regularisation as per the applicable Rules, by treating their status to be that of a contract employee, and

they will not be subjected to any disqualification only on the ground that the nomenclature given to them was through outsourcing. He further makes a statement at the bar that all persons, including the petitioners, who have been engaged through outsourcing pursuant to the order of this Court, shall be permitted to continue as lecturer/ instructor till joining of regularly selected candidates; he further submits that the claim of all these persons for regularisation shall be considered in terms of the applicable Recruitment Rules in vogue at the date of their initial appointment in the department, and their eligibility shall be judged accordingly.

7. In view of the aforesaid statements made by the learned Chief Standing Counsel, we, accordingly, dispose of these Writ Petitions, by taking the statements made on behalf of the State Government, by learned Chief Standing Counsel, on record.

8. Consequently, pending application(s), if any, also stand disposed of, accordingly.