

2025:PHHC:009143



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

221

CWP-3136-2019 (O&M)
Date of decision: 22.01.2025

Bandana Rani and others

...Petitioners

Versus

Guru Nanak Dev University and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vivek Sharma, Advocate for the petitioners.
Mr. MK Dogra, Advocate for the respondents.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for directing the respondents to allow the petitioners to continue on the post of Assistant Professor till the regular incumbent join.

2. In the index of the petition, reliance had been placed upon the pendency of the petition i.e. CWP-5592-2017 titled as **Gurpreet Singh and others vs. State of Punjab and others** and vide order dated 06.12.2022, the present petition was ordered to be heard along with the same, which has since been disposed of vide judgment dated 13.08.2024, covers the case of the petitioners, which learned counsel for the respondents despite best efforts has been unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law, relevant paras whereof read thus:-

“Learned counsel for the petitioners submits that the

2025:PHHC:009143



prayer of the petitioners is that they should be allowed to continue in service till the work of the post on which they are working exists subject to their satisfactory work and conduct and they be not replaced with another set of contractual employees on the same terms and conditions.

Learned counsel for the petitioners further submits that further prayer of the petitioners is that in case, regular selected candidates joins, the petitioners should be relieved on the basis of length of their service and the employee having lesser length of service should be relieved first as compared to the employee having more length of service.

Learned counsel for the petitioners further submits that as the petitioners are working on contractual basis, keeping in view the judgment of the Hon'ble Supreme Court of India in State of Punjab and others vs. Jagjit Singh and others 2017 SCC 148, their claim for the grant of minimum of the pay scale along with D.A. should also be considered.

Learned counsel appearing for the respondent-University submits that it has already come on record by way of reply that petitioners will not be replaced by another set of contractual employees on the same terms and conditions and they will be allowed to continue in service till the work of the post on which they are working exists subject to their satisfactory work and conduct.

Learned counsel for the respondent-University further submits that qua the grant of minimum pay scale along with D.A., a committee has already been constituted and an appropriate order on the claim of the petitioners will be passed within a period of three months from the date of receipt of copy of this order and in case, as per the report of the said committee, the petitioners are found entitled for any relief, the same will be extended to them within a period of further 08 weeks.

Learned counsel for the respondent-University further submits that the said order will be made applicable upon the employees, who are already working with the respondent-University as of now.

At this stage, learned counsel for the petitioners submits that though, learned counsel for the respondent-University submitted that the petitioners will not be replaced by another set of contractual employees on the same terms and conditions but one of the petitioner namely, Gurpreet Singh in CWP-5592-2017 has already been replaced, which action of the respondent-University needs reconsideration keeping in view the statement of the learned counsel for the respondent-University.

Learned counsel for the respondent-University submits that the said grievance of the petitioner-Gurpreet Singh will also be looked into by the respondent-University

2025:PHHC:009143



and in case, it is found that said petitioner Gurpreet Singh has been replaced by the another contractual employee on the same terms and conditions, appropriate relief for which the said petitioner-Gurpreet Singh is entitled for, will be given to him and in case, it is found that services of the petitioner-Gurpreet Singh have been terminated for any reason other than just for replacing him, appropriate speaking order will also be passed within a period of three months.

Learned counsel for the respondent-University submits that in case any regular incumbent joins or there is a reduction in work so as to reduce strength of the staff, length of service rendered by the employee will be kept in mind while relieving the employees.

At this stage, learned counsel for the petitioners submits that some of the petitioners are not working as of now as their services have been terminated due to the shortage of work.

Learned counsel for the respondent-University submits that in case work of the said posts on which the petitioners were working exists as of now and respondent-University issues an advertisement for appointing the personnel for the said posts, the claim of the petitioners will be considered on priority basis subject to their satisfactory work and conduct.

Learned counsel for the petitioners submits that keeping in view the statement made by learned counsel for the respondent-University, present petitions may kindly be disposed of having been not pressed any further but liberty be given to the petitioners that in case, any order passed by the respondent-University causes prejudice to the petitioners, they can avail an appropriate remedy for the redressal of the same.

Keeping in view the above, present petitions are disposed of having been not pressed any further in above terms with liberty as prayed for.”

3. The petition is disposed of in terms of **Gurpreet Singh** (supra).

22.01.2025
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking : Yes/No
Whether reportable : Yes/No