

(2009) 02 P&H CK 0178

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Jai Parkash

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision: Feb. 11, 2009

Hon'ble Judges: Ajay Tewari, J

Bench: Single Bench

Judgement

Ajay Tewari, J.

The petitioner has challenged the appointment of respondents No. 6 to 17 to the post of watchman in the Public Health Department, Sub Division Indri, District Karnal on the allegation that these appointments were made without issuing any advertisement.

2. In reply this action has been defended on the ground that the posts were term appointments and without any element of regular appointment to a public post and that as and when regular appointment would be made, the same shall be done by way of inviting applications from the public. It is further mentioned that there were urgent requirements for these persons and, therefore, necessary requisition was placed on the notice board of the office. No written statement has been filed on behalf of respondents No. 6 to 17 despite having been served.

3. I am afraid the stand taken by the respondents is not worthy of credence. This kind of short cut can be tolerated in the case of a genuine exigency/emergency where some person may be required to be appointed for a few months to tide over a particular moment. In [Secretary, State of Karnataka and Others Vs. Umadevi and Others](#), it was held as under:

A sovereign Government, considering the economic situation in the country and the work to be got done, is not precluded from making temporary appointments or engaging workers on daily wages. Going by a law newly enacted, the National Rural Employment Guarantee Act, 2005, the object is to give employment to at least one

member of a family for hundred days in a year, on paying wages as fixed under that Act. But, a regular process of recruitment or appointment has to be restored to when regular vacancies in posts, at a particular point of time, are to be filled up and the filling up of those vacancies cannot be done in a haphazard manner or based on patronage or other considerations. Regular appointment must be the rule.

4. Now these persons have continued in service for the last almost three years. This is surely not a case where the respondents are justified in ousting other eligible persons who may be desirous of vying for these jobs, ephemeral as they may be. The continuance of these persons for a period of almost three years clearly reveals that even though the assignments may be described as term appointments yet the work against which such persons have been appointed cannot be termed as transient work which can be filled up in such a roughshod manner.

5. In the circumstances the appointments of the private respondents are set aside and the official respondents are directed to fill up these posts by way of inviting applications from the public within a period of three months from the date of receipt of a certified copy of this order. Respondents No. 6 to 17 shall be permitted to continue till the deadline fixed by this Court is over and thereafter their engagement with the official respondents will come to an end.

6. Petition stands disposed of accordingly.