



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Hearing by Video Conferencing

O.A. No.060/00616/2020

Chandigarh, this the 11th of September, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. Mukesh Singh S/o Banbari Lal, aged about 27 years R/o B 57, Sector 25 D, Dainik Bhaskar Colony, Chandigarh – 160014 Group D
2. Ram Beti W/o Mukesh Singh, aged about 26 years, R/o B 57, Sector 25 D, Dainik Bhaskar Colony, Chandigarh- Group D
3. Rampyari W/o Banbari, aged about 49 years, R/0 Gawan Bahar Town, Sambhal, Uttar Pradesh – 202527. Group D Current place of posting in Dhanas at Forest Patiala Ki Rao, Beat Area.
4. Puspa Rani W/o Rajendra, aged about 24 years R/o Tubewell No. 57, Sector 25 D, Chandigarh – 160014 Group D
5. Rajinder S/o Banwari, aged about 24 years R/o House No. 526 A, Small Flats, Dhanas, Chandigarh – 160014 Group D.
6. Sunder S/o Roop Ram, aged about 29 years, R/o House No. 2472/C, Sector 39-C, Chandigarh – 160039 Group D
7. Mahender Ram S/o Banwari Ram, aged about 41 years R/o B-57, Tubel, Near Navodaya School, Sector 25, Chandigarh.
8. Surinder Singh S/o Sh. Bhuri Singh, aged about 46 years R/o Tirth Dronacharya Mandir, Maloya, Chandigarh-160025 –Group D
9. Geeta Devi W/o Sunder, aged about 25 years R/o House No. 174, Dhanas, Chandigarh-160014 Group D.
10. Bhoore S/o Roopram, aged about 20 years R/o House No. 174, Dhanas, Chandigarh – 160014 Group D.
11. Roop Ram S/o Chokhe, aged about 48 years R/o House No. 83, Village Dhanas, Chandigarh – 160014 Group D.
12. Chander Bhan, S/o Hera Lal, aged about 41 years, R/o House No. 1282, Sector 25-D, Near Dainik Bhaskar Colony, Chandigarh – 160014 Group D.
13. Kanta W/o Chander, aged about 40 years R/o House No. 1282, Sector 25-D, Near Dainik Bhaskar Colony, Chandigarh – 160014 Group D.



14. Ajad S/o Chet Ram, aged about 23 years, R/o Tgan, SAS Nagar (Mohali) 160055 Group D Current place of posting in Dhanas at Forest Patiala Ki Rao, Beat Area.
15. Laxmi Devi W/o Ram Parkash, aged about 28 years R/o House No. 76, Dhanas, Chandigarh – 160014 Group D.
16. Ram Prakash S/o Pukh Ram, aged about 49 years R/o House No. 29, Dhanas, Chandigarh- 160014 Group D
17. Tej Kumari W/o Ram Rattan Lal, aged about 39 years, R/o House No. 35, Goharpur, Pilibhit, Uttar Pradesh – 262202 Group D Current place of posting in Nayagaon, Chandigarh at Forest.
18. Ramratan Lal S/o Ragghu Singh, aged about 43 years, R/o House No. 35, Goharpur, Pilibhit, Uttar Pradesh – 262202 Group D Current place of posting in Nayagaon, Chandigarh at Forest.
19. Rambaboo S/o Vanvari Lal, aged about 26 years R/o House No. 2057, Sector 25, Behind Navoda School, Chandigarh – 160014 Group D.
20. Tota Ram S/o Chokhe, aged about 49 years R/o House No. 76, Village Dhanas, Chandigarh – 160014 Group D.
21. Ram Babu S/o Ram Parkash, aged about 33 years R/o House No. 556/1, Milk Colony, Dhanas, Chandigarh – 160014 Group D.
22. Raghuvar S/o Ram Gopal, aged about 36 years R/o House No. 354, Atwa Asigaon, Hardoi, Uttar Pradesh – 241001 Group D Current place of posting in Dhanas at Boutanical Garden.

....Applicants

(BY: Mr. Arjun Sheoran, Advocate)

Versus

1. Home Secretaru-cum-Secretary (Forest), Department of Forest and Wildlife, Chandigarh Administration, U.T. Chandigarh, Sector 9, Chandigarh – 160009.
2. Chief Conservator of Forests, Department of Forest & Wildlife, Chandigarh Administration, U.T. Chandigarh, Sector 19, Chandigarh – 160019.

... Respondents

O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. The prayer of the applicants for joining in the O.A. is allowed. MA No. 060/00853/2030 stands disposed of accordingly.



2. The present O.A. has been filed by the applicants seeking issuance of a writ of prohibition against Respondent No. 1 from replacing one set of contractual employees (applicants) with another set of same hue in view of judgment of the Hon'ble Supreme Court in the case of **Hargurupartap Singh Vs State of Punjab**, (2007) 13 SCC 292 till regular appointments are made to the said posts.

3. Heard Mr. learned counsel for the applicants.

4. Learned counsel for the applicants argues that before filing this O.A., the applicants approached the Jurisdictional High Court by filing CWP No. 24437/2019 which was permitted to be withdrawn by the petitioners therein, with liberty to approach the official respondents for the grievance as has been highlighted by them in the Writ Petition, vide order dated 05.09.2019. Applicants, immediately thereafter, submitted a representation (Annexure A-10), which as per submissions of learned counsel, is pending consideration. Therefore, he prays that the applicants would be satisfied if a direction is issued to the respondents to consider and decide their representation within a time-frame, in view of settled law laid down by the Hon'ble Supreme Court that a set of contractual employees cannot be replaced by another set of contractual employees.

5. Considering the fact that no order disengaging the services of the applicants in order to replace them with



another set of contractual employees has been passed, no direction can be issued. However, since liberty has already been granted to the applicants by the Hon'ble Jurisdictional High Court to approach the official respondents for redressal of their grievances which they did by way of a representation (Annexure A-10) but not decided till date, I deem it appropriate to direct the respondents, to whom the indicated representation has been addressed, to consider and decide the same, by passing a reasoned and speaking order, within a period of six weeks from the date of receipt of a copy of this order. While giving consideration, the respondents shall also take into account the fact and effect of relied upon judgments. Ordered accordingly. A copy of the order to be passed by the respondents be communicated to the applicants. The O.A. stands disposed of accordingly.

6. Needless to mention, the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(SANJEEV KAUSHIK)
Member (J)

Place: Chandigarh
Dated: 11.09.2020

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