

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.14136 of 2016 (O&M)
Date of Decision: 02.08.2016

Anita

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. R.K.Hooda, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

The basic issue arising for consideration in the instant petition is with regard to a methodology being adopted by Government College for Women, Jind whereby one set of contractual employees is sought to be replaced by another similar arrangement.

Pleadings on record would indicate that the petitioner had applied in response to an advertisement and was appointed as Extension Lecturer/Assistant Professor in the subject of Economics in July, 2015.

Grievance raised in the present petition is that an advertisement as regards a walk-in-interview had been issued by the respondent College at Annexure P-5 dated 14.07.2016 inviting applications for engagement of Extension Lecturers in various subjects including Economics on a contractual basis.

Instant petition is founded on an apprehension that in pursuance to the advertisement (Annexure P-5), the petitioner would be replaced by another contractual employee.

Counsel contends that interviews have already been taken place

on 20.07.2016 but till date no other contractual employee has joined in place of the petitioner.

In view of the order that I intend to pass, there would be no requirement of issuing notice to the respondent College and to seek any written response.

It is by now well settled that one contractual employee cannot be replaced by another similar arrangement. A reference in this regard may be made to the judgment of *Hon'ble Supreme Court of India in Hargurpratap Singh Versus State of Punjab and others 2007 (13) SCC 292*. However, a contractual arrangement in favour of an employee would always be subject to right of the employer to resort to a method of regular appointment. It would also be open for the employer to dispense with the service of a contractual employee, if the work and conduct is found wanting. Furthermore, if there be no requirement or reduction of workload, it would again be open for the employer to disengage the contractual appointee.

The instant writ petition is disposed of with the directions that the petitioner would not be replaced by another contractual employee.

It is, however, clarified that it would be open for the respondent College to dispense with and to bring to an end contractual engagement of the petitioner in the light of the eventualities that have been noticed and culled out in this order.

It is made clear that benefit of this order would enure to the petitioner only if no other incumbent/applicant has joined on the post of Extension Lecturer in the subject of Economics in pursuance to the advertisement dated 14.07.2016 at Annexure P-5.

Insofar as the prayers raised in the petition for grant of minimum scale prescribed by UGC is concerned, the issue is left open and liberty is granted to the petitioner to approach respondent authorities in such regard.

Disposed of.

02.08.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No