

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

CWP No.15344 of 2016 (O&M)

Date of decision : 01.08.2016

Mamta and others

... Petitioners

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Vijay Pal, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J.

The issue arising for consideration in the instant writ petition is with regard to a methodology being adopted by the respondent-Government College, Kosli, District Rewari whereby one set of contractual employees is sought to be replaced by another similar arrangement.

Pleadings indicate that the petitioners were engaged as Extension Lectures purely on contractual basis for different subjects and on different dates in the years 2014 and 2015 by the respondent/college.

The present petition is founded on an apprehension that in pursuance to an advertisement dated 20.06.2016 at Annexure P-5, the petitioners would be replaced by another set of contractual employees.

During the course of hearing, counsel has very fairly stated that none of the petitioners possesses the essential qualifications for the post and as prescribed by the University Grants Commission (UGC).

In view of the order that I intend to pass there would be no requirement for issuing notice and seeking written response from the State/College to the writ petition.

It is by now well settled that one contractual/adhoc employee cannot be replaced by another contractual/adhoc employee. However, a

contractual engagement 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 of work, it would again be open for the employer to dis-engage the contractual appointee.

The present writ petition is disposed of with a direction that the petitioners would not be displaced by other contractual employees on the post of Extension Lectures in the subjects concerned and who also do not possess requisite qualifications stipulated by the UGC Regulation/Guidelines/State instructions.

It is clarified that it would be open for the respondent/college to engage any other applicant who is qualified for the post in question and it would also be open for the respondent/college to bring to an end the contractual engagement of the petitioners in the light of the eventualities that have already been carved out and notice in this order.

Disposed of.

01.08.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |