

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

***CWP No.15784 of 2016 (O&M)
Date of decision : 05.08.2016***

Naveen and others

... Petitioners

Vs.

State of Haryana & others

... Respondents

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

Present: Mr. S.K. Kaushik, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J.

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

Notice in the writ petition.

On the asking of the Court, Mr. Ravi Pratap Singh, learned Assistant Advocate General, Haryana accepts notice. A complete copy of the petition has been furnished to learned State counsel.

In view of the order that I intend to pass, there would be no requirement to seek a written response from the State to the writ petition.

With the consent of the counsel for the parties, the writ petition is disposed of in the following terms:

Petitioners herein were engaged as Assistant Professors/

Extension Lecturers in the subjects of Geography/Commerce in the years 2014-15 on contractual basis.

The present petition is founded on an apprehension that in the light of advertisement dated 06.07.2016 at Annexure P-6 issued by the respondent/College inviting applications from candidates for being engaged as Resource Persons to deliver extension lectures, the present petitioners would be replaced by another set of contractual employees.

It is the categoric submission made by counsel that even though interviews in pursuance to the advertisement dated 06.07.2016 have been conducted on 16.07.2016 but till date no Resource Person has joined as replacement to the petitioner(s).

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 disengage the contractual appointee.

Accordingly, the present petition is disposed of with the observations that the petitioners would not be displaced by another contractual employees on the basis of Resource Persons/Extension Lecturers in the subjects of Geography/Commerce.

It is clarified that it would be open for the respondent/College not to engage the present petitioners in the light of the eventualities and parameters that have already been noticed and culled out in the instant petition.

It is also made clear that the benefit of this order shall enure to the petitioners only if no other contractual employee has joined in pursuance to the interview conducted on 16.07.2016 in relation to advertisement dated 06.07.2016 at Annexure P-6.

Disposed of.

05.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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