

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

CWP No.19160 of 2016
Date of Decision : 09.11.2016

Param Jeet Kaur

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. M.S. Randhawa, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Anupinder Singh Grewal (Oral)

The petitioner, who is working as a Clerk has challenged the action of the respondent-College whereby contractual employees are being dis-placed by another contractual arrangement.

I have learned counsel for the parties and perused the petition.

It is apparent from perusal of service agreement dated 30.09.2015 that the petitioner was engaged as a Clerk purely on contractual basis for a period of one year.

Indisputably, the petitioner is continuing in service till date.

The Principal of the respondent-College has issued advertisement on 20.08.2016 whereby walk-in-interview has been fixed for engaging the

services of contractual employees on various posts including that of Clerk.

In case the petitioner is replaced by another contractual employee, the action of the respondents would be impermissible in law and contrary to the directions issued by the Supreme Court in the case of **Hargurpratap Singh Vs. State of Punjab (SC)**, 2007(13) SCC 292.

In the facts and circumstances, the instant petition is disposed of with direction that the contractual engagement with the petitioner in terms of service agreement dated 30.09.2015 (Annexure P3) would not be brought to an end by replacing him by another contractual appointee in pursuance to the advertisement issued by the respondents on 20.08.2016. However, this direction shall be subject to the following conditions:

- i) It would always be open for the employer/respondent College to resort to the method of a regular appointment and to fill up the post in question.
 - ii) It would be open for the respondent College to dispense with and to bring to an end the contractual engagement entered into with the petitioner if his work and conduct is found wanting.
 - iii) Such contractual engagement with the petitioner can also be terminated in the eventuality of there being no workload.
 - iv) It would always be open for the respondent College to bring to an end the contractual engagement of the petitioner if he does not possess the qualifications for the post of Clerk.
- The petition stands disposed of accordingly.

(**ANUPINDER SINGH GREWAL**)
JUDGE

November 09, 2016
jt

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No