

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

**CWP No. 25160 of 2016
Date of Decision : 06.12.2016**

Brij Mohan and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sanjeev Kumar Panwar, Advocate for the petitioners.

Anupinder Singh Grewal, J.(Oral)

The petitioners have sought direction to the respondents to allow them to continue on the post of Peon/Watchman till the posts are filled by regularly selected candidates.

The petitioners were engaged as Peon/Watchman on contractual basis through outsourcing agency by the respondents in the year 2011. Initially they were stated to have been engaged for a period of six months but their services were later continued.

Learned counsel for the petitioners has contended that the petitioners are continuing on contractual basis with the respondents and they have apprehension that they might be replaced by another set of contractual employees.

Issue notice to respondents.

At the asking of the Court, Mr. Harish Rathee, learned Senior

Deputy Advocate General, Haryana, accepts notice on behalf of the respondents. Three sets of paper book have been supplied to learned State counsel.

The petitioners are working as contractual employees and per se they can only be replaced by a regular employee or if their work and conduct is found to be unsatisfactory by the respondents. They could also be removed from service, if requirement of their work is no longer there with the respondents. Reference can be made to the judgment of the Supreme Court in the case of *Hargurpratap Singh Vs. State of Punjab, 2007(13) SCC 292*.

In the facts and circumstances of the case, I deem it appropriate to dispose of this petition with a direction that the petitioners shall not be replaced by another set of contractual employees. However, they can be replaced, if their work and conduct is found to be unsatisfactory and there is no requirement for the work for which they have been employed.

The petition stands disposed of accordingly.

December 06, 2016.

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**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned? Yes

Whether reportable? No