

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

LPA No. 1120 of 2016(O&M)

Date of decision :04.07.2016

Siman and others

.....Appellant

Versus

**Dr. B.R.Ambedkar National Institute of Technology, Jalandhar and
another**

.....Respondents

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Suvir Sidhu, Advocate
for the appellants.

SURYA KANT, J. (ORAL).

The instant Letter Patent Appeal has been directed against the order dated 27.05.2016 whereby learned Single Judge has dismissed the writ petitions in which the appellants sought quashing of the decision conveyed vide letters dated 25.04.2014 and 06.08.2014 regarding outsourcing of the work of electrical maintenance. A further direction to the respondents to absorb the appellants in service and in any case not to replace them till the selection of regular employees on the posts against which they are performing their duties, is also prayed for.

Learned Single Judge has turned down the appellants claim with a categorical finding that there are no posts against which the appellants were engaged on daily wages/contractual basis and that since the funding agencies have declined to provide adequate budget, that the respondent-Institute has taken the decision to outsource the maintenance work. Learned Single Judge has observed that the impugned action of the respondents does not violate any right of

the appellants. It has been further held that the appellants cannot claim their retention in service as a matter of right.

We have heard learned counsel for the appellants at a considerable length and gone through the record.

Learned Single judge has rightly observed that in the absence of regular posts, the University's decision to outsource the maintenance work appears to be reasonable and cannot be interfered with in exercise of power of judicial review. The matter involves management affairs of the respondent-University, who has taken a uniform policy decision to outsource the electrical maintenance work. It has not been pleaded or proved that such a decision was taken to harm any individual employee, be a regular or contractual. As there are no sanctioned posts, the appellants' prayer regarding their absorption in service cannot be entertained. Similarly, the grievance that they are likely to be replaced by another set of contractual employees, at this stage, is premature as no fresh appointment on contractual basis has been made by the respondent-University. However, if the respondents intend to appoint fresh persons on contract basis in place of the appellants, that might give a fresh cause of action to challenge such selection. However, the outsourcing of the maintenance work and for that purpose engagement of man-power through the contractor, perse, cannot be termed as substitution of the appellants by another set of contractual employees.

Dismissed with the aforesaid liberty.

(SURYA KANT)
JUDGE

(DARSHAN SINGH)
JUDGE

July 04, 2016
s.khan