

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
Civil Writ Petition No.2585 of 2013
Decided on : 18.09.2017**

Sushil Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mrs. Alka Chatrath, Advocate for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The challenge in the present writ petition is to the order dated 03.01.2013 (Annexure P-6), whereby the petitioners were informed that their appointment was on contract basis for a period of six months. It was also noted in the said order that they were relieved w.e.f. 12.12.2012.

Accordingly, instructions dated 15.11.2012 (Annexure P-5) are also subject matter of challenge, whereby various posts were to be filled on D.C. Rates/Outsourcing Policy against the regular sanctioned posts under different non-plan schemes.

The petitioners who were appointed as per the advertisement (Annexure P-1) as Multipurpose Health Workers (Male) {MPHW (M)} was on the basis of the advertisement, wherein it was also mentioned that the appointment was only for six months or till the duly selected candidates join the posts and were to be on wages fixed on D.C. Rates.

The appointment letter dated 19.09.2012 (Annexure P-2) would go on to show that the same terms and conditions were also made part of the appointment letter. As per the appointment letter itself, the party could terminate the contract within 15 days and after six months the services would stand terminated.

It is not the case of the petitioners that anybody else had been appointed thereafter in similar circumstances. Vide earlier order the Coordinate Bench had noticed that it would be necessary to ascertain whether any alternative contractual arrangements were made after the petitioners service were terminated in January, 2013.

An affidavit dated 14.07.2016 would go on to show that against sanctioned strength of 2544, 1098 posts were lying vacant and accordingly a requisition of 934 posts was sent to the Haryana Staff Selection Commission, which stood advertised in advertisement No.1/2015 dated 19.06.2015. Resultantly, it was averred that the process of regular appointment is under process. On 13.02.2017 statement had been made that no alternative contractual arrangements had been made after January, 2013.

Once that is so, and the respondents are making up efforts to fill up the posts by way of regular recruitment, the petitioners as such cannot complain that they have been replaced by a similar set of person, who might give them a right of preferential consideration on the same terms.

Resultantly, there is no scope to interfere in the order of dispensing the services, which was as per the terms and conditions of their contract. The writ petition is accordingly dismissed.

SEPTEMBER 18, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No