

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.26036 of 2017 (O&M)

Date of Decision:15.11.2017

Shaminder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CWP No.26040 of 2017 (O&M)

Simerjeet Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present:- Mr. Hitesh Verma, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CWP No.26036 of 2017 (Shaminder Singh and others Vs. State of Punjab and others) and CWP No.26040 of 2017 (Simerjeet Singh and others Vs. State of Punjab and others) as identical issue is involved in these two petitions.

As per pleadings on record, the petitioners in these two petitions were engaged as 'unskilled workers' purely on contractual basis for a period of 06 months in January 2017 by Punjab Ex Serviceman Corporation and their services to be utilized by the Punjab State Power Corporation Limited.

The precise prayer raised in the petitions is to the following effect:-

“Writ, order or direction in the nature of mandamus directing the respondents not to substitute/dispensed with the services of the petitioners so as to be replaced by another set of contractual employees for the

same purpose for which the petitioners have been engaged.”

During the course of arguments, counsel has very fairly conceded that the contractual engagement of 06 months having expired, all the petitioners have since been relieved.

There is no document/material placed on record wherefrom this Court may infer that the respondents Punjab Ex Serviceman Corporation or for that matter the Punjab State Power Corporation Limited has embarked or has initiated any steps towards engagement of 'unskilled workers' afresh on contractual basis.

Suffice it to observe that the position in law is well crystallized that one set of contractual employees cannot be replaced by another similar arrangement subject to the work and conduct of the employee being satisfactory and there being availability of work.

In the considered view of this Court, no cause of action as of date has arisen to the petitioners inasmuch as they had been relieved upon the contract period having elapsed.

No directions as such are required to be issued at this stage.

Petitions are, accordingly, disposed of with liberty to the petitioners to approach the Court afresh in the eventuality of the respondents authorities initiating steps to engage other employees on contractual basis and to discharge the duties and responsibilities for which the present petitioners had been so engaged.

Disposed of.

15.11.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No