

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11624 of 2013

Date of Decision: 07.02.2018

Naresh Kumar and others

...Petitioners

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Nonish Kumar, Advocate,
for the petitioner.

Mr. Harish Rathee, Senior DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

In view of the stand of the Department in the written statement, no relief can come to the petitioners. Their initial appointment was on contract basis for a fixed period. The contract was renewed from 02.04.2012 to 31.03.2013. In the meantime, respondent No.4, Civil Surgeon Yamunanagar received a memo from the Government dated 15.11.2012 which directed the respective Civil Surgeons to relieve the petitioners from their respective engagements on contract basis at DC rates.

It is the further averment in the written statement that [till the date of the written statement] no person has been engaged against the positions held by the petitioners. The system of recruitment has been changed through service providers for cleaning, sanitation and security purposes. The new system has been in place since 15.01.2013.

The contention of the learned counsel appearing for the petitioners is that the positions in which the petitioners were working were sanctioned in Trauma Centre and the outsourcing cannot be applied to sanctioned posts. It appears that the petitioners labour under a wrong impression that the posts on which they are working for about a year were sanctioned posts. They were not sanctioned posts, they were engagements on contract basis according the felt need for man power and those engagements did not account as part of cadre strength. In any case, outsourcing method is not an illegal measure for government to adopt and provide for cleanliness and security of the Trauma Centre/dispensary/hospital.

It is also averred that some of the petitioners are still working under the contractors while the other petitioners are not working since March 2013. In view of the stand of the department, I find no merit in this petition and order it to stand dismissed. However, liberty is granted to the petitioners to resort to their remedy under the Industrial Disputes Act, 1947, if advised.

(RAJIV NARAIN RAINA)
JUDGE

07.02.2018

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Whether speaking/reasoned : *Yes*

Whether reportable : *No*