

CWP No.18454 of 2015 (O&M)
Date of Decision:18.12.2018

Balkar Singh

...Petitioner

Versus

Haryana State Agricultural Market Board and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr.S.S. Malik, Advocate
for the petitioner.Mr.Hitesh Pandit, Advocate,
for respondent Nos.1 and 2.Mr.Shubankher Baweja, Advocate
for respondents No. 3.

ARUN MONGA, J. (ORAL)

Petition has been filed, *inter alia*, seeking a writ in the nature of mandamus directing the respondents to allow the petitioner to continue on his duty on contractual basis in view of the fact that he was engaged and is continuously working as such since 01.04.2009.

2. Learned counsel for the petitioner contends that the services of a contractual employee cannot be dispensed with to replace him with another contractual employee. In this regard he places reliance on a judgment rendered by Supreme Court in case **Hargurpratap Singh vs. State of Punjab and other 2007 (13) SCC 292.** He further points out that in para 5 & 6 of the affidavit of the Secretary, Marketing Committee it is conceded that the services of Data Entry Operators continue to be

from time to time even though the outsourced agencies have been changed at different times. Learned counsel for the petitioner places strong reliance on the policy dated 12.1.2011 issued by the Government of Haryana in respect of policy for outsourcing of services/activities in compliance of labour laws. He contends that the said policy envisages that in the event of termination of the contract or reduction of manpower, such workers who loose employment should be considered for re-appointment on priority if the contractor is re-deployed or engages more manpower in view of provisions of the Industrial Disputes Act.

3. In view thereof, the action of the respondents in discontinuing the services of the petitioner, employed on contract to replace him with another contractual employee cannot stand the judicial scrutiny.

4. Considering the aforesaid facts, the present petition is disposed of with a direction to respondent No.3-(the Secretary, Market Committee, Cheeka, District Kaithal) to instruct his contractor/outsourc agency to consider the case of the petitioner in accordance with the policy dated 12.1.2011 (Annexure P-6) herein and give him priority in case the new Data Entry Operators are being engaged/employed by the Market Committee.

(ARUN MONGA)
JUDGE

December 18, 2018

Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No