

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

**CWP No.14189 of 2017
Date of Decision: 07.08.2018**

Mahesh Kumar and another

.....Petitioners

Vs.

Haryana Seeds Development Corporation and anr.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Jai Bhagwan Sharma, Advocate, for the petitioner.

Mr.Pritam Saini, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

Petitioners are seeking for issuance of a writ in the nature of Certiorari to quash the advertisement for appointment qua the 10 posts of Account Clerk on daily wages basis advertised in the Tribune Newspaper dated 18.03.2017 (Annexure P-1) due to which it is apprehended that services of petitioners would be terminated and fresh appointments will be made on the daily wages.

The petitioners are working on contract basis as Account Clerk against the regular sanctioned posts by the competent authority i.e. Haryana Seeds Development Corporation, Panchkula. They are working as such on daily wages basis as per DC rate fixed by the Deputy Commissioner since 09.11.2011. The grievance of the petitioners is that respondent/corporation advertised 105 vacancies for the various post including 10 posts of the Account Clerk in the Tribune dated 15.03.2017. Vide corrigendum dated 18.03.2017 in the Tribune the respondent No.1 cancelled the date of interview and issued corrigendum to file the application form for the various

posts including 10 posts of Account Clerk up to 31.03.2017 (Annexure P-1)

Since, the petitioners have been appointed through outsourcing provider, the respondent/corporation wants to employ the persons directly under their control.

Learned counsel for the petitioners submits that appointment of the petitioners cannot be terminated as they were appointed against the regular sanctioned posts and they are working since 09.11.2011 and since then they are working continuously and there is no complaint and nothing adverse remarks on the record of the petitioners. He further submits that as per terms and conditions of the appointment letter and as per law settled by the Hon'ble Apex Court in the case of Hargurpartap Singh Vs. State of Punjab 2007(13)SCC 292, respondent No.1 cannot terminate the services of the petitioners till the regular appointments of Account Clerk are made.

In view of the above, the present writ petition is allowed by giving directions to the respondents that petitioners be not relieved from the said post till the regular selection is made. If relieved, he may be reinstated forthwith with all consequential benefits.

(RITU BAHRI)
JUDGE

07.08.2018
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>