

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

**CWP No.17450 of 2017
Date of Decision: 07.08.2018**

Deepak Arya and Anr.

.....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 19 posts of Clerk on daily wages basis advertised in the Tribune Newspaper dated 18.03.2017 (Annexure P-1) due to which it is apprehended that their services would be terminated and fresh appointments will be made on the daily wages.

The petitioners are working on contract basis as 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 of the District through Labour Contractor since 10.11.2015 and 17.04.2015. The grievance of the petitioners is that respondent/corporation advertised 105 vacancies for the various post including 19 posts of the 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

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 their appointment cannot be terminated as they were appointed against the regular sanctioned posts and they are working since 10.11.2015 and 17.04.2015 and since then they are working continuously and there are 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 service of the petitioners till the regular appointment of 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, they 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>