

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

**CWP No.7302 of 2013
Date of decision: 05.07.2018**

Vir Singh

...Petitioner

Versus

Municipal Corporation, Faridabad and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Randhawa, Advocate,
for the petitioner.

Mr. Sourabh Goel, Advocate,
for respondent Nos.1 to 4.

Ritu Bahri, J.

Petitioner is seeking a writ in the nature of certiorari for quashing the order dated 22.03.2013 (Annexure P-1) passed by the Establishment Officer for Commissioner, Municipal Corporation, Faridabad, whereby his services have been terminated by revoking the contract period which was effective till 07.06.2013 and the petitioner has been asked to work through an outsourcing agency i.e. M/s Jai Bala Ji Security Services-respondent No.5.

Outsourcing policy issued by the Government of Haryana has been placed on record as Annexure P-5.

Petitioner was working as Junior Engineer on contract basis with Municipal Corporation, Faridabad since 15.03.2009. Vide impugned order dated 22.03.2013 (Annexure P-1), contract of the petitioner, which was valid upto 07.06.2013, has been revoked and he has been asked to join the services through an outsourcing agency i.e. respondent No.5. Case of the

petitioner for regular appointment to the post of Junior Engineer (Electrical) was forwarded by the Commissioner, Municipal Corporation, Faridabad to the Principal Secretary, Department of Local Bodies, Government of Haryana, vide letter (Annexure P-3). Services of seven similarly situated employees were regularized vide order dated 08.09.2011 (Annexure P-4).

Upon notice, written statement on behalf of respondent Nos. 1 to 4 has been filed, whereby it has been stated that the impugned order has been passed as per outsourcing policy dated 01.09.2006 (Annexure P-5). As per terms and conditions of appointment letter, the appointment was for a period of six months on contract basis. Thereafter, keeping in view the requirement of work, he has been engaged from time to time. The petitioner was engaged by the Municipal Corporation, Faridabad as Junior Engineer for a period of six months on contractual basis vide order dated 19.05.2009 (Annexure P-1 Colly.) Thereafter, he has been granted a number of extensions. The contract has been revoked keeping in view the outsourcing policy of the State Government. Case of the petitioner for regularization was forwarded to the State Government vide letter dated 03.12.2012, but the Government vide its order dated 30.01.2013 sought information as to under which rule/instruction, the case of Vir Singh-petitioner, who was working on contract basis, was sent. The State Government, vide instructions dated 25.04.2007 (Annexure R1/2) has withdrawn all the policies of regularization of services of Adhoc/contractual/daily wage and part time workers, which were issued in the years 1997, 1999, 2003 and 2004. In view of the said fact, no fresh case for regularization can be considered.

Learned counsel for the respondents has informed that as per outsourcing policy, the petitioner is continuing to serve at DC rate. This

fact is not being denied by learned counsel for the petitioner.

The petitioner, at best, can continue to work till regularly selected candidate is made available. He cannot be replaced by another contractual employee.

In the backdrop of the aforesaid circumstances, this petition is disposed and it is ordered that services of the petitioner shall not be terminated till regularly selected candidate is appointed.

05.07.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No