

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.9499 of 2017
Date of Decision: 07.08.2018

Balraj

.....Petitioner

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)

Petitioner is seeking for issuance of a writ in the nature of Certiorari to quash the advertisement for appointment qua the 45 posts of Salsemen 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 petitioner would be terminated and fresh appointments will be made on the daily wages.

The petitioner is working on contract basis as salesman against the regular sanctioned posts by the competent authority i.e. Haryana Seeds Development Corporation, Panchkula. He is working as such on daily wages basis as per DC rate fixed by the Deputy Commissioner of the District through Labour Contractor since 11.02.2015 to 31.07.2015, 01.08.2016 to 19.10.2016 as store clerk, 20.10.2016 to 31.01.2017, 01.02.2017 to 03.02.2017 to 03.02.2017, 01.03.2017. The grievance of the petitioner is that respondent/corporation advertised 105 vacancies for the various post including 45 posts of the salesman 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 45 posts of Salesman up to 31.03.2017 (Annexure P-1). Since, the petitioner has been appointed through outsourcing provider, the respondent/corporation wants to employ the persons directly under their control.

Learned counsel for the petitioner submits that appointment of the petitioner cannot be terminated as he was appointed against the regular sanctioned posts and he is working since 11.02.2015 and since then he is working continuously and there is no complaint and nothing adverse remarks on the record of the petitioner. 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 petitioner till the regular appointment of salesmen are made.

In view of the above, the present writ petition is allowed by giving directions to the respondents that petitioner 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>