

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

Date of decision : 31.05.2019

1. CWP No. 15077 of 2019

Ranjeet Singh and others

..... Petitioners

versus

**National Institute of Technology(NIT), Kurukshetra
and others**

..... Respondents

2. CWP No. 15228 of 2019

Sarav Bandhu

..... Petitioner

versus

**National Institute of Technology(NIT), Kurukshetra
and others**

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. K.S.Banyana, Advocate for the petitioner(s).

Mr.A.S.Virk, Advocate for the respondents.

ARUN MONGA, J. (ORAL)

This order shall dispose of the two Civil Writ Petitions numbered above. Since common questions of law and facts are involved in both the writ petitions, the same are being disposed of by this common order.

Short affidavit on behalf of respondent No.1 has been filed in the course of hearing which is taken on record, copy whereof has been supplied to learned counsel for the petitioner(s).

Learned counsel for the respondent-institute submits that the reliance of learned counsel for the petitioner(s) on the designation of

Laboratory Attendants is completely misplaced as vide notifications dated 21.08.2012 (Annexure R-1/1) and 04.06.2013(Annexure R-1/2), the said post of Laboratory Attendant was redesignated as that of Technician. He, therefore, submits that since the advertisement was for appointment on regular basis on the post of Technician, the petitioner(s) were also at liberty to apply for the same. Be that as it may, he submits that since the advertisement is for regular appointment and, therefore, it is settled law that contractual employees have no right to continue in perpetuity if an employer wishes to make a regular appointment qua the same post. He submits that at best the petitioner(s) are entitled to grant of benefit of the principle of 'first come last go' that too will have to be observed by private respondent No.3 who is the service provider/contractor of the petitioner.

In the premise, the writ petitions are disposed of with a direction to respondent No.3 that the principle of first come last go shall be observed qua the petitioner(s) while dealing with their services since regular appointment has already been made by respondent No.1. It is expected of respondent No.1 to ensure that respondent No.3 observes the said principle since ultimately respondent No.3 is only an agent/contractor of respondent No.1 who is outsourcing the services of the petitioner(s) through respondent No.1.

Disposed of in above terms.

(ARUN MONGA)
JUDGE

31.05.2019
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No