

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

Date of decision: 06.02.2019

CWP No.1325 of 2016

Sandeep & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.8555 of 2016

Sunil Kumar & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.37883 of 2018

Inder Singh & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. A.S.Sheoran, Advocate, for the petitioners
 in CWP No.1325 of 2016.

Mr. A.K.Singh Goyat, Advocate, for the petitioners
 in CWP No.8555 of 2016 and CWP No.37883 of 2018.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. This order will dispose of above mentioned three writ petitions, as common questions of law and facts are involved in them, which can conveniently be decided by a common order.

2. The petitioners, who were working as Helpers, Pump Operators, Clerk etc., have reached the eleventh hour of service faced with

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recommendations made by the Haryana Staff Selection Commission of selected candidates pursuant to a direct selection process of Group-D employees by way of direct recruitment initiated in response to public advertisement dated 04.02.2016. All of them were employed under the outsourcing policy. There is a service provider in picture. Since regular hands are available, the petitioners will have to give way.

3. Today, in compliance of the previous order, Mr. Birender Singh, Engineer in Chief, Irrigation & Water Resources Department, Haryana, is present in Court and has filed his affidavit, which is taken on record. On a query, he informs the Court that the contract with the service provider is till 31.03.2019. He assures the Court that the petitioners will be retained till the expiry of the contract after which they can be replaced by regular recruits, who have been allocated the Irrigation Department. The HSSC has recommended the names of 3131 Group-D employees, out of which 815 are allocated to the Irrigation Department.

4. The only protection available to the petitioners under the law is that the contract employee will not be replaced by similar arrangement till regular hand is available to fill vacancies. They have hardly any right when employed through outsourcing policy and cannot claim direct relationship of employer-employee with the Government.

5. The interim order dated 12.10.2018 had proceeded on the submission of the petitioners' counsel that till date no post has been advertised. That assertion has been refuted today by Mr. Harish Rathee, DAG, Haryana, on instructions from Mr. Birender Singh in the presence of candidates available after regular selection.

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6. In view of the position obtaining as above, no ground for interference is made out except limited to the protection of to the petitioners that they will continue till 31.03.2019. However, this order will not foreclose rights of any of the petitioners, which they may draw from the Industrial Disputes Act, 1947 and other Labour Laws, if advised.

7. Accordingly, all the petitions stand dismissed.

06.02.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>