

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

**CWP No.5294 of 2015 (O&M)
Date of Decision: 21.11.2019**

Darshan Singh and others
... Petitioners
Versus
State of Punjab and others
... Respondents

RSA No.3445 of 2017 (O&M)

Darshan Kumar and others
... Petitioners
Versus
The Managing Director, PRTC, Patiala and others
... Respondents

COCP No.3424 of 2014 (O&M)

Contract PRTC Union
... Petitioners
Versus
Rajiv Parashar and another
... Respondents

COCP No.3432 of 2014 (O&M)

Contract PRTC Union (Azad)
... Petitioner
Versus
Rajiv Parashar and another
... Respondents

COCP No.3141 of 2014 (O&M)

Bhupinder Singh
... Petitioners
Versus
Rajiv Parashar
... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Gurminder Singh, Senior Advocate with
Mr. R.P.S.Bara, Advocate,
for the petitioners in CWP No.5294 of 2015.

Mr. Ravi Gakhar, Advocate,
for the petitioners in COCP No.3424 of 2014.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

Mr. Anupam Singla, Advocate,
for respondents No.3 and 4-PRTC.

Mr. Chanderdeep Singh, Advocate,
for respondent No.8.

ARUN MONGA, J.(ORAL)

Learned counsel representing Pepsu Road Transport Corporation (PRTC) submits that at present no drivers/conductors/workshop staff are directly being hired by the Corporation and the same is being outsourced through a private contractor/agent namely, M/s S.S. Service Providers, 37-D, Model Town, Patiala and, therefore, the request of the petitioners to consider them for re-induction into service cannot be considered by the Corporation.

Having heard rival contentions, I am of the view that there is substance in the contention of the learned Senior counsel representing the petitioners that in all fairness, they deserve prior offer in order of seniority over other candidates, if new drivers/conductors/workshop staff are to be engaged. The petitioners who were already in service on contract basis through outsourced agent/contractor but apprehending their termination from service, they had approached this Court and vide order

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dated 14.11.2011 passed in CWP No.20944 of 2011 status quo qua their services was directed to be maintained till further orders.

In view of aforesaid it is but fair that they have a prior right to be considered for being appointed as conductors/ drivers/ workshop staff even though the services qua the same are being replaced by the respondent Corporation through outsourced agent/contractor.

The bunch of writ petition is disposed of with a direction to the respondent Corporation that it will ensure that outsourced agent/contractor shall maintain seniority list of the drivers/conductors/workshop staff who were in service at the time of filing this bunch of writ petitions and in case, new drivers/ conductors/ workshop staff are contemplated to be engaged, the first offer shall be made to the existing available seniors and in case, they decline to continue/join the service then only the fresh set of drivers/conductors/workshop staff shall be hired.

It is made clear that respondent Corporation is at liberty to insist on its contractor/agent to take any undertaking, which it may deem fit from the conductors/drivers/workshop staff to be so hired in terms of the present order.

Disposed of in above terms.

A photocopy of this order be placed on the connected case file.

21.11.2019

vandana

Whether speaking/reasoned

Whether Reportable

(ARUN MONGA)
JUDGE

Yes/No

Yes/No