

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

**CWP NO. 8505 OF 2015
DATE OF DECISION : 08.04.2019**

Surender Singh and others

...Petitioners

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Shalendra Nagpal, Advocate,
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Sourabh Goel, Advocate,
for respondent No.3.

ARUN MONGA, J.(ORAL)

1. The present writ petition has been filed, *inter-alia*, for issuance of a writ in the nature of mandamus, directing the respondents not to displace the petitioners by another set of contractual employees being hired through outsourcing.

2. Per contra, the pointed stand of respondent No.3-Market Committee is that the petitioners were never employed directly by them and they are not employees of the Market Committee. The petitioners were in fact employed through a contractor, pursuant to the award of contract by Chief Administrator, Haryana State Agricultural Marketing Board, Panchkula, vide engagement letter dated 24.09.2014 (Annexure R-3/1).

3. Learned counsel for respondent No.3-Market Committee submits that the petitioners and all other such employees, are employed from time to time through the list of contractual agencies, as stated in the engagement letter.

4. It is settled position in law that one set of contractual employees cannot be displaced with another set of contractual employees.

5. Keeping in view the aforesaid, the present writ petition is disposed of with a direction to the respondents not to displace the petitioners, who are engaged on contract, by way of another set of contractual employees and in the event their services have been dispensed with, the respondents are further directed to consider the request of petitioners to be re-employed through their contractors.

(ARUN MONGA)
JUDGE

APRIL 08, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No