

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

1. CWP No. 2820 of 2018

Sunita and others **...Petitioner**

versus

State of Haryana and others **..Respondents**

2. CWP No. 4637 of 2018

Karam Pal and ors. **...Petitioner**

versus

State of Haryana and others **..Respondents**

3. CWP No. 19111 of 2018

Ayush Tiwari and others **....Petitioner**

versus

State of Haryana and others **..Respondents**

Date of decision : 21.01.2019

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manoj Makkar, Advocate
for the petitioner (s).

Mr. Kiran Pal Singh, AAG, Haryana

Mr. Pankaj Bhardwaj, Advocate
for respondent Nos. 3 and 4 in CWP No. 2820 and 4637 of 2018.

Mr. Kuldeep Tiwari, Advocate
for respondent No. 3 in CWP No. 19111-2018

RITU BAHRI, J. (Oral)

The above mentioned three petitions, as noted above, are being disposed of by this common judgment, as common questions of law and facts are involved therein. However, for the facility of reference, the facts are being taken from CWP No. 2820-2018.

Prayer in the present writ petition is for issuance of direction to the respondents not to limit the period of appointment of the petitioners on the post of Lab Assistant in Department of Design, State University of Performing and Vishal Arts, Rohtak and further prayer is for issuance of direction to the respondents not to replace them against other contractual employees till regular selections are made, in view of the judgment of Hon'ble the Supreme Court of India in a case of *Hargurpratap Singh vs. State of Punjab and others, 2007 (13) SCC 292*.

The fact in brief are that respondent No. 3 advertised many posts of Lab Assistant in various department of State University of Performing and Vishal Arts, Rohtak on contract basis on DC rates in the month of November, 2016. The petitioners applied against the above post and were interviewed by the selection committee on 10.11.2016. The petitioners were selected on the post of Lab Assistant in the Department of Design under outsourcing policy-II of Haryana Government on 22.11.2016 and were issued appointment letter by respondent No. 4. The contract period was for one year, which was subsequently extended for another period of one year on 09.01.2018 w.e.f the date of their completion of earlier contractual tenure.

Thereafter, in January 2018, the respondents advertised the same post of Lab Assistant in State University of Performing and Vishal Arts, Rohtak on contract basis and the last date of apply for the said post was 13.02.2018. The petitioners chosen not to take part in the fresh exercise of recruitment of Lab Assistant. They approached this Court and this Court vide order dated 07.02.2018 directed the respondents to maintain status quo with respect to services of the petitioners, as it exists today.

On notice, a reply has been filed by respondent Nos. 3 and 4 taking a stand that the Government of Haryana as per new outsourcing policy that is effective from 01.11.2017 has brought in the principle of equal pay equal work and thus the new recruits would be getting more financial benefits, whereas only D.C rates were being paid to petitioners/earlier appointees.

Heard.

It is not the case of the respondents that work and conduct of the petitioners are not satisfactory and the argument of learned counsel for respondent Nos. 3 and 4 that the petitioners are bound by the terms of the agreement dated 23.11.2016 is rejected, in view of the judgment of Hon'ble the Supreme Court of India in a case of ***Hargurpratap Singh vs. State of Punjab and others, 2007 (13) SCC 292***. Petitioners are also entitled for equal pay equal work.

In view of the above factual position, the present petitions stand disposed of and a direction is given to the respondents to allow the petitioners to continue to work on their respective posts and they be not replaced by any other set of contractual employee. Respondents shall also make payments to the petitioners from 01.11.2017 i.e date of new agreement, as being given to new contractual employees.

(RITU BAHRI)
JUDGE

21.01.2019
G Arora