

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3047-2018

Date of decision: 23.01.2019

Sohan Lal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vineet Sehgal, Advocate for the petitioners.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ritu Bahri, J. (Oral).

By this petition, the petitioners are seeking direction to respondent No. 3 to allow them to continue work as Chowkidar, Mali and Sweeper against sanctioned posts.

Learned counsel for the petitioners has referred to the letter dated 23.11.2016 (Annexure P-3) sent by Principal K.M. Govt. College to the Director Higher Education Haryana giving details of the sanctioned posts of Lab Attendant, Mali, Sweeper and Chowkidar in the office. The petitioners are being paid salaries (Annexure P-4 collectively) directly in their accounts by the College and not through the service provider. The petitioners have also placed on record outsourcing policy dated 06.04.2015 (Annexure P-6).

In the written statement, the respondents have not specifically denied the information given by the Principal in para 3 of the writ petition. The respondents have further admitted that the petitioners have been

working on contract basis since 2012 and the details have been placed on record as Annexure R-1 and R-2.

Hence, advertisement dated 25.01.2018 (Annexure P-5) is quashed and the writ petition is allowed and the petitioners can only be replaced through a regularly recruited candidates or if their work and conduct is not found satisfactory as per the judgment of Supreme Court in *Civil Appeal No. 8745 of 2003 Hargurpartap Singh V/s. State of Punjab and others.*

23.01.2019

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No