

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

CWP No.1238 of 2020
Date of decision 17.01.2020

Ajay Sharma and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Singal, Advocate,
for the petitioners.

Ritu Bahri, J. (oral)

Petitioners are seeking direction to the respondents to continue them till regular appointments are made or till workload is available.

Learned counsel for the petitioners contends that the petitioners were appointed as Water Pump Operators on contract basis as per outsourcing policy, Part-1 and have been working as such since January, 2015. The contract of their service provider will come to an end on 31.05.2020. The petitioners apprehend that they will be replaced by another set of contractual employees. Reference has been made to the instructions dated 02.02.2019 (Annexure P-4).

Notice of motion.

On the asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of respondent-State and clarifies that instructions dated 02.02.2019 (Annexure P-4) are applicable only to the Group-D employees and not to Water Pump Operators.

However, services of the petitioners are protected as per the

State of Punjab and others, 2007 (13) SCC 292, wherein it has been held that the contractual employees cannot be replaced by another set of contractual employees. They can only be replaced, if their work and conduct is not satisfactory.

At this stage, present petition is disposed of by giving direction that in case regularly selected candidates are not available against vacant posts, then petitioners shall be allowed to continue in service and they can only be replaced by regularly selected candidates, subject to the condition that their work and conduct is not found satisfactory. They will not be replaced after the contract of service provider comes to an end.

17.01.2020
ajp

(RITU BAHRI)
JUDGE

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