

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

CWP No.7219 of 2016
Date of decision: 22.01.2020

Rahul Kumar and another

...Petitioners

Vs.

The State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sonu Giri, Advocate,
for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

Ritu Bahri, J. (oral)

Petitioners are seeking direction to the respondents to appoint them as peon in the office of respondent No.2 i.e. Land Acquisition Collector, Haryana, Urban Estate Department, Gurgaon.

As per appointment letter dated 15.11.2013 (Annexure P-1), the petitioners were working as peon in the office of respondent No.2. They made an application dated 24.12.2015 (Annexure P-4) for release of their salary regularly. In this backdrop, they were orally told not to come to the office. Salary of the petitioners has since been released and vide order dated 16.02.2016 (Annexure P-5), the respondents have engaged one person namely Rampal. Now, the petitioners are seeking direction that they should not be replaced by another set of contractual employee.

Upon notice, reply on behalf of respondent Nos.1, 2 and 4 has been filed, wherein it has been stated that salary of the petitioners has already been paid and nobody by the name of Rampal has been appointed

vide order dated 16.02.2016. Further directions of appointment of

outsourced manpower of class III and IV employees fall under the jurisdiction of HUDA. As per letter dated 03.11.2017 (Annexure R-2), the contract has been given to M/s ARC Security Solution Pvt. Ltd.

Respondents have also placed on record copy of letter dated 16.02.2016 (Annexure R-6), a perusal of which shows that Ram Pal (Retired Peon), has been appointed against the post of peon in the office of Land Acquisition Officer, Urban Estate, Gurgaon w.e.f. 01.02.2016.

Heard.

A perusal of Annexure R-6 shows that letter of appointment of Ram Pal was sent by the Administrator, HUDA, Gurgaon to M/s ARC, Security Solution Pvt. Ltd. The petitioners, who had been working as peons since 2013, could not be replaced by another set of contractual employee. They could only be replaced, if their work and conduct was not satisfactory.

In view of the above, respondent No.2-Land Acquisition Collector is directed to recommend the names of petitioners for appointment/engagement on contract basis in place of aforesaid Ram Pal, who has already been retired. It is made clear that in case, the petitioners are re-engaged, they will not be entitled to any arrears.

Allowed accordingly.

22.01.2020
ajp

(RITU BAHRI)
JUDGE

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