

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

**CM-2944-CWP-2021 in/and
CWP-5983-2020**

Date of Decision: 04.03.2021

Pawan and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Lekh Raj Sharma, Advocate,
For the petitioners.

Mr. Manoj Taya, AAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

CM-2944-CWP-2021

This is an application for fixing the main case for an early actual date.

For the reasons stated in the application, the same is allowed, as prayed for. Main case is taken up on Board today itself.

Main case

Grievance of the petitioners, working on contractual basis through an outsourced contractor, is that their services be not terminated by substituting them with another set of contractual employees.

2. On advance service of the copy of the petition, learned State counsel joins the proceedings. At the very outset, he submits that he is in receipt of reply but could not file it due to paucity of time. Copy thereof is taken on record. It has been unequivocally stated in para 2&3 of reply as below:

2. *“It is submitted that the answering respondents has constituted a committee just to select the outsourcing agency for further appointments. The answering respondent has not removed/replaced any of the petitioners till today but petitioner No.2 and 4 i.e. Sunita and Vinod themselves have abstained from coming to the office since 13.01.2020 and 01.06.2020 respectively.*

3. *In this context, it is submitted that the petitioners are part time employees and are not replaced by another part time employees. The petitioner No.2 and 4 i.e. Sunita and Vinod themselves have abstained from coming to the office since 13.01.2020 and 01.06.2020 respectively. The wage bills of the petitioner No.2 till 13.01.2020 and petitioner No.4 till May, 2020 is sent to the Treasury Office, Palwal for release. No dues of petitioners No.1 and 3 are pending.”*

3. Learned counsel for the petitioners apprises that earlier also, similarly situated employees had approached this Court and vide order dated 16.10.2020 (Annexure P-7), this Court had bound down the respondents in terms of stand taken by them. He argues that similar order be passed in the present writ petition.

4. In view of the aforesaid stand taken in the reply, writ petition is disposed of with a direction to the official respondents to remain bound with the stand taken in the reply. It is made clear that the petitioners shall to allowed to continue through the outsource agency and shall not be replaced by another part time/ out sourced employee unless, of course, a regular appointment in accordance with law is to be made qua the posts held by the petitioners. Needless to say that in case any part time employee leaves of his own volition, as brought forth in the reply filed by the respondents, the respondents are at liberty to substitute said employee through outsourcing.

March 04, 2021
Vandana/ Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reasoned:

Yes/No
Yes/No