

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

CWP NO. 12984 OF 2021

DATE OF DECISION : 16.07.2021

Rajpal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jitender S. Chahal, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through video conference).

ARUN MONGA, J.(ORAL)

Petition herein, *inter-alia*, is for issuance of an appropriate writ directing the respondents to not dispense with services of the petitioners, who are working with respondent No.4 on contractual basis. Petitioners have been relieved from their contractual job without issuing any notice or opportunity of hearing to them. Further prayer has been made to release their salary from April to June, 2021.

2. Learned counsel for the petitioners submits that petitioners were working as IT professionals and Multipurpose Security Guards under respondent No.4, on contract basis (on DC rates) since 2019. Services of

petitioners were extended from time to time. Now their contract has been extended upto 31.07.2021. However, respondents No.3 and 4 verbally directed the petitioners not to come to office with effect from 29.06.2021, without issuing any show cause notice or opportunity of hearing.

3. Learned counsel contends that the action of respondents is arbitrary and illegal. In the premise, petitioners also submitted representation dated 02.07.2021 (Annexure P-6) but the same has not been adverted till date. Hence, the petition.

4. Learned State counsel, on service of advance copy of the petition, joins the proceedings and opposes the petition.

5. Having heard learned counsel for the parties, no ground for interference by this court is made out. However, the petition is disposed of with an expectation that in case the official respondents are in need of services qua the posts which were earlier manned by the petitioners on contract basis, then the petitioners shall be given priority for being considered to be rehired on contract, instead of hiring fresh set of contractual employees.

6. Needless to say, in case any regular appointments are being made, the petitioners shall be allowed to participate in the same process. But they do not have any vested right to insist on their continuation on contract basis. From the case pleaded, the petition does not reflect as to who has been or is proposed to be hired on contract basis, as alleged in course of arguments. It is not borne out whether the alleged new contractual persons so hired are from the same service provider and whether the said persons were hired on contract prior in time viz.a.viz the petitioners. The official respondents as well as service providers are justified in hiring the substitute contractual employees in case

they are senior to the petitioners, as last come first go is a settled principle of service jurisprudence.

7. Disposed of in above terms.

JULY 16, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No