

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

**1) CWP 16512 of 2020 (O&M)
Date of Decision: April 19, 2021**

Karamvir SinghPetitioner
Versus
State of Haryana and others
.... Respondents

CWP 2491 of 2021 (O&M)

2)

Janak Raj
Versus
State of Haryana and othersRespondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. R.S. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioner in CWP 16512 of 2020.

Mr. Jai Bhagwan Sharma, Advocate
for the petitioner in CWP 2491 of 2021.

Mr. Tarun Walia, AAG, Haryana.

Mr. Saurabh Kapoor, Advocate
for respondents No. 4 and 5.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through

video-conferencing on account of outbreak of pandemic COVID-19.

The above detailed two civil writ petitions one by petitioner Karamvir Singh and the other one by Janak Raj pertain to the rights of contractual employees to continue in service and their replacement by similarly placed employees on fresh contractual basis. Since this common question has arisen in both these matters and, therefore, are being disposed off together by this common judgment.

The facts have been drawn from CWP 16512 of 2020 titled as **Karamvir Singh** Vs. **State of Haryana and others.**

The petitioner was appointed as '**Lascar**' by respondent No. 3 in pursuance of Government Policy dated 06.04.2015 (Annexure P-1). Petitioner Karamvir Singh was appointed vide appointment letter dated 11.07.2013 (Annexure P-2) where he joined as such on the same very day. Similarly, petitioner Janak Raj was engaged as '**Lascar**' on contractual basis through appointment letter dated 04.08.2018 (Annexure

P-2). It is subsequently, the official respondents replaced petitioner Karamvir Singh and dispensed with his services on 07.08.2019 and similarly the services of petitioner Janak Raj stood extinguished with the respondent on 11.08.2019 (Annexure P-1) w.e.f. 12.08.2019. It is in the light of this, the petitioners claimed that since they have been working continuously and uninterruptedly throughout this period with the respondents and their service was without any blemish and were highly appreciable they could not be replaced with similar employees on contractual basis.

The respondents in their stand claimed that the engagement of the petitioners with the respondents was purely on contractual basis by way of outsourcing policy and they do not dispute the date of engagement and putting to end their engagement but claimed that the petitioners have no right to claim continuity on that posts of '**Lascar**' on contractual basis.

Heard Mr. R.S. Malik, Sr. Advocate with Mr. Sandeep Dhull, Advocate for the petitioner in CWP 16512 of 2020, Mr. Jai Bhagwan Sharma, Advocate for the petitioner in

CWP 2491 of 2021, Mr. Tarun Walia, AAG, Haryana Mr. Saurabh Kapoor, Advocate for respondents No. 4 and 5 and perusal of the records.

The very dates of appointment of the petitioners to the post of '**Lascar**' by the respondents is not at all denied and it is writ large on the records that private respondents 4 and 5 in both the petitions have been appointed w.e.f. 18.05.2020 on contractual basis under same terms and conditions. To the specific query of this Court, the learned counsel for the official respondents accepts the fact that there is nothing adverse against the petitioners during the discharge of their duties but has tried to duck under the guise of contractual appointment at the whims and fancies of the official respondents. From all this, it is permeates that it is the sweet will that is prevalent with the official respondents and with the change of guard the official in-charge and responsible for this engagement prefers to choose and appoint his own men contrary to the spirit of law. The Apex Court in **Hargurpratap Singh Vs. State of Punjab and others** 2007(13) SCC 292 has severally indicted authorities

where they adopted recourse displaced one *ad hoc* arrangement by another *ad hoc* arrangement and having held that it is not at all appropriate especially for persons who have worked in that capacity and have gained sufficient experience which is more beneficial to the department and their experience will come handy for discharge of their duties. The private respondents even similarly appointed on ad hoc basis and it is not the case of the respondents that they are more experienced than the petitioners. In the light of the same, the impugned orders dated 11.08.2019 Annexure P-1 and 18.05.2020 (Annexure P-4 and P-5) in CWP 2491 of 2021 are hereby set aside. The petitioners Karamvir Singh and Janak Raj shall continue in service till regular incumbents are appointed by the official respondents. The present petitions stands disposed off accordingly.

April 19, 2021

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No