

122 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18468-2021
Date of Decision: 16.09.2021

MUKHTYAR SINGH AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sunil Kumar NehraSirsa, Advocate
for the petitioners.

Mr. Tapan Kumar, D.A.G., Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioners are before this Court, *inter alia*, seeking writ in the nature of *mandamus* directing the respondents to absorb/accommodate them as Sanitary Supervisors/Swasthya Sahayak (Spray staff) for entire year. They rely on State Government's Scheme dated 07.05.1991 (Annexure P-1). The petitioners plead that every passing year, their services have been engaged from time to time (years 1990, 1988 and 2016, respectively for different petitioners). This year too, their services were employed w.e.f. 01.05.2021 to carry out necessary spray of *Delta Methane* (an anti-malarial insecticide). The petitioners apprehend that after completion of their term for this year i.e. 30.09.2021, their services may not be engaged for the malaria seasons falling in subsequent years. Therefore, they seek a *mandamus* that the State should engage their services for the entire year, so as to provide them certain job security and regular livelihood.

2. Learned State counsel, on advance service, joins proceedings and submits that the petition has been filed pre-maturely, merely on an

apprehension which is completely un-founded. He submits that services of the petitioners are need based and are hired every relevant season, as and when, the anti-malarial spray is required to be done. There is nothing on record to show that similar arrangement shall continue.

3. Having heard, it seems that there is no reason for petitioners them to feel fearful and the arrangement, as before, is likely shall continue in the subsequent years depending on the seasonal exigency. However, as a matter of caution/advance awareness, to enable the petitioners to seek alternative work, they shall be given one week's notice prior to the commencement of season, in case they are not to be hired for any subsequent year.

4. The present petition is disposed of with liberty to the petitioners to approach the Court as and when any cause of action arises.

September 16, 2021
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No