

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

CWP NO. 25692 OF 2021

DATE OF DECISION : 16.12.2021

Aarti and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Narender Kumar Sharma, Advocate and
Ms. Suman Sharma, Advocate,
for the petitioner.

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

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of *certiorari* seeking quashing of impugned orders dated 24.11.2021 (Annexures P-7 to P-9), vide which their services have been terminated. Further prayer has been made to allow the petitioners to be continued on their respective posts and they be not replaced by another set of contractual employees.

2. Learned counsel for the petitioners submits that petitioners No.1 and 2 are working as Data Entry Operators with the respondents since April- 2018 and petitioner No.3 as Supervisor since December- 2019. Services of the petitioners were renewed from time to time. Petitioners were also not paid their salary in time. Vide termination letters/orders dated 24.11.2021 (Annexures P-7 to P-9), the petitioners

were terminated and now the respondents are replacing them with another set of contractual employees which is against law. Qua the aforesaid grievance, petitioners submitted representation dated 26.11.2021 (Annexure P-10) but in vain. Hence, the instant petition.

3. On advance service of copy of the petition, learned State counsel joins the proceedings and opposes the issuance of notice of motion.

4. Concededly, being contractual employees, petitioners' service terms and conditions are governed by the contract and this Court would not interfere on that ground alone under its extraordinary writ jurisdiction. However, since it transpires that services of the petitioners though hired by an outsourced contractor, but in reality were/are deputed with the official respondents of the State, therefore, it is expected that being a model employer/welfare State, the salary/wages of the petitioner for the corresponding period they have rendered services ought to be paid in time. Arrears, if any, be also cleared by the contractor through official respondents. Furthermore, it is also made clear that in case service on the post being handled and/or were being handled by petitioners, if still required, they will not be replaced with another contractual employees, unless any regular appointment is to be made on the posts in question.

5. With these observations, the writ petition stands disposed of.

DECEMBER 16, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No