

Monika Sharma

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Ms. Mamta Panwar, Advocate for the petitioner.

Ms. Mamta Singla Talwar, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of an appropriate writ in the nature of Mandamus directing the respondents not to dispense with the services of the petitioner and not to replace her by resorting to another similar arrangement till any regular appointment on the said post is made.

2. Pledged case is that petitioner was working as Data Entry Operator in the office of Regional Transport Authority, Hisar since 06.11.2013. Contract was being extended from time to time. Respondent No.3 written letter to respondent No.2 with regard to renewal of service contract of the petitioner from 01.01.2018 to 31.12.2018. However, after 31.12.2020, fresh contract of service of the petitioner was not executed and she is out of job ever since. Petitioner apprehending her replacement by another contractual employee, submitted a representation dated 01.01.2021 (Annexure P-10) to the Transport Commissioner, Haryana, but to no avail. Hence, the instant petition.

3. On advance service, learned State counsel appears and opposes the petition.

4. I have heard learned counsel for the parties and gone through the case file.

5. Concededly, the petitioner's services were hired on contract. The contractual employee has only limited rights confined within the four corners of the contract of employment. It is the prerogative of an employer to continue and/or discontinue with the contractual services in terms of the contract. I am of the view that on the short ground of being a matter of contract, this Court ought not to exercise its extraordinary writ jurisdiction.

6. That apart, in view of the unequivocal stand taken in the return that the services of the petitioner were engaged subject to the requirement of the work and current work exigency since does not warrant any such requirement, therefore, respondents cannot be forced to continue employing the petitioner. Being matter of contract, I see no grounds to interfere in the extra-ordinary writ jurisdiction.

7. Disposed of with the expectation that in case services on the contractual post are required in future the petitioner shall be given a fair chance work, given her past experience, instead of substituting her with another contractual employee. For the period petitioner rendered her services, in case, she seeks any work experience certificate, the same shall be issued to her by the office where her services were deployed.

(ARUN MONGA)
JUDGE

September 22, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No