

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

CWP-1291-2020 (O&M)

Date of decision: September 21, 2022

Sagar and another

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Deepak Sonak, Advocate for the petitioners.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of an appropriate writ in the nature of Mandamus directing respondents to allow the petitioners to join their duties on the principles of First Come Last Go and not to replace them with similar set of employees.

2. Plead case is that petitioners were appointed as Helpers during strike period in the respondent Department on 18.10.2018 and, they worked upto 31.01.2019. Petitioners were again appointed on 05.02.2019 and worked upto 15.03.2019. Petitioner No.2 worked from 17.10.2017 to 17.10.2018. Vide Annexures P-2 and P-3, petitioners were informed by respondent No.3 that a seniority list has been prepared and in case of any vacancy, appointments will be made as per seniority list. Petitioners approached this Court by way of CWP-24979-2019, which was disposed of 09.09.2019 with a direction to respondents No.2 and 3 to decide the representation dated 01.02.2019. In compliance thereof, respondent No.3 vide order dated 06.12.2019 (Annexure P-6) rejected the claim of the petitioners. 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, petitioner's services were hired on contract. A contractual employee has only limited rights confined within the four corners of 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 that short ground alone, this Court ought not to exercise its extraordinary writ jurisdiction and should refrain from interfering in the domain of the employer's discretion to engage employees on contract.

7. However, being functionaries of the State, it is expected of the respondents, since it is reflected from Annexures P-2 & P-3 that they have maintained a seniority-list of contractual employees also, in the event of any work exigency in future, if they need to redeploy their work force on contract, they will follow the principle of 'First Come Last Go'.

8. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

September 21, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No