

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

CWP-1104-2022

Date of decision:09.03.2022

SATISH KUMAR AND OTHERS ...Petitioners

V/S

STATE OF HARYANA AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jasbir Mor, Advocate,
for the petitioners.

Ms. Kirti Singh, DAG, Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of mandamus directing the respondents to take back the petitioners into service on contract basis and adjust them against the vacant post of Ward Servant/Security Guard/Mali (Group-D) under Outsourcing Policy, Part-I.

2. Learned counsel for the petitioners submits that the petitioners were appointed on the post of Group-D on contract basis through outsourcing policy Part-I framed by the Government. He submits that no regular employee had joined the duties in place of the petitioners. Moreover, regular sanctioned post of Group 'D' are lying vacant with the respondent-Department. However, the services of the petitioners have been summarily terminated by the respondent-department. He submits that petitioners qua their aforesaid grievance submitted representations followed by legal notice, but to no avail. Hence, the instant petition.

3. On advance service, learned State counsel joins proceedings and strenuously opposes the petition.

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

5. Concededly, the petitioners' services were hired on contract. The contractual employee has only very 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. This Court would refrain from interfering in the domain of the employer's discretion to engage employees on contract.

7. Dismissed with liberty to the petitioners to seek appropriate alternative remedy as may be advised and available in law.

09.03.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No