

238 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3512-2020

Date of decision: 08.12.2022

Jai Bhagwan

...Petitioner

VS

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Naveen Kashyap, Advocate,
For the petitioner.

Mr. R.K.S.Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondent to re-appoint the petitioner on the post of Sweeper in the PHC Butana, District Sonapat where he was working since 2013.

2. Learned counsel for the petitioner submits that petitioner belongs to Scheduled caste and is physically handicapped. He was appointed on 01.09.2013 as part time Sweeper in PHC Butana by Civil Surgeon Sonapat vide letter dated 01.09.2013. The petitioner was working on DC rates and there was no complaint against him even then he was removed from the job. Hence, the instant petition.

3. Learned State counsel, at the outset, submits that no contractual appointments are now being made and a policy decision has been taken to hire the contractual employees through Haryana Kaushal Rozgar Nigam.

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. A 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. Disposed of with liberty to the petitioner to apply through Haryana Kaushal Rozgar Nigam.

(ARUN MONGA)
JUDGE

December 08, 2022
Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No