

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

CWP-5496-2022

Date of decision: 21.03.2022

ISHWAR

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sawan Choudhary, Advocate,
for the petitioner.

Mr. Sharan Sethi, Additional A.G., Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the respondents not to remove him from service as Mechanic in Multi Task Staff.

2. Learned counsel for the petitioner submits that the petitioner was appointed on contract as 'Mechanic' in Multi Task Staff through the Service Provider on 01.04.2019. He submits that the services of the petitioner are now being terminated in order to accommodate another contractual employee, which is totally against the law laid down by Hon'ble Apex Court in case titled as '*Hargurpartap Singh versus State of Punjab and others*' reported as **2007 (13) SCC 292**.

3. On advance service, learned State counsel strenuously opposes the petition on the ground that not only being a contractual employee, writ is not maintainable as the petitioner ought to have invoked his other civil remedies as are available to him.

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 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. There is very limited scope of this Court to interfere.

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

21.03.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No