

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

CWP No. 8857 OF 2022

DATE OF DECISION: 28.04.2022

Rajpal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. J. S. Chahal, Advocate,
for the petitioners.

Mr. Sharan Sethi, Addl. AG, Haryana .

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek quashing of letter dated 30.04.2021 (Annexure P-11), whereby petitioners, who were on contract basis, have been relieved without issuing any show cause notice or any opportunity of hearing.

2. Petitioners being fully eligible for their respective posts of Data Entry Operator, Multipurpose Health Worker and Security Guard, were selected for a period of one year on sanctioned posts on DC rates during the period from 01.11.2019 to June, 2020. The contract of the petitioners was renewed for further period of three months with short breaks and extended thereafter from time to time up to 31.07.2021. However, the petitioners were verbally told not to come to office with effect from 29.06.2021 without issuing any notice or granting any opportunity of hearing. Petitioners approached this Court by way of filing CWP No. 12984 of 2021 and vide order dated 16.07.2021, directions were issued to the respondents to consider the case of petitioners on priority in case respondents are in need of the services qua the posts earlier occupied by them. Thereafter petitioners represented vide representation dated 22.07.2021 to which respondent No.4 replied that they have been replaced with another set of the contractual employees. Thereafter petitioners filed contempt petition bearing COCP No. 1749 of 2021 claiming that it is

settled law that contractual workers cannot be replaced with another set of contractual workers. The respondent No.3 has prepared false letter dated 30.04.2021 without any basis. He further pleads that letter dated 30.04.2021 has been created simply to deny the petitioners their job and livelihood which is evident from the letter dated 28.04.2021.

3. The petitioners submitted representation dated 22.07.2021 (Annexure P-9) which did not bear any fruits. Hence the petition.

4. Concededly, the services of the petitioners were hired on contract. A contractual employee has very limited rights confined within the four corners of the contract of employment. There is very limited scope for this Court to interfere in the extraordinary writ jurisdiction.

5. Even otherwise, *ex facie* case pleaded in the petition shows that there are disputed questions of facts, which cannot be adjudicated under the extraordinary writ jurisdiction of this Court.

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

APRIL 28, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No