

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

CWP-9348-2022

Date of Decision: 05.05.2022

SOMBIR AND ORS.

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Parveen Chauhan, Advocate
for the petitioners.

Mr. Pankaj Middha, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of *certiorari* to set aside the impugned order dated 19.01.2022 (Annexure P-15), whereby, the claim for considering their names against vacant seats of Heavy Vehicle Drivers/Conductors in the respondent-department was rejected.

2. Learned counsel for the petitioners submits that the petitioners who are Drivers/Conductors and were working on contract basis in the respondent-department, have been terminated even after rendering longer service.

3. Heard.

4. A perusal of the impugned order reflects that the claim of the petitioners to be inducted on contract basis has been rejected stating clearly that currently there is no requirement to hire the Drivers/Conductors on contract basis.

5. In the premise, it is re-emphasised, being contractual employees, the petitioners have only very limited rights and therefore, this

Court would ordinarily refrain on that ground alone. Even otherwise, there are disputed questions involved in the case. It is the prerogative of an employer to continue and/or discontinue with the contractual services in terms of the contract. I have my own reservation in granting indulgence in matters of contractual appointments by the State, as the same are made without requiring the employees to participate in any competition and/or selection process on the basis of merits. They are simply handpicked in the garb of a contract by not granting opportunity to those who may be far more meritorious.

6. Being so, I do not find any grounds to interfere and to force an employer and/or the State to hire employees on contract when their services are not needed.

7. It is, however, made clear that as and when, there is any requirement by the respondents to hire Drivers/Conductors on contract basis, the petitioners shall be at liberty to apply qua the said contractual vacancies and needless to say that the selection will be made in accordance with law by observing the principle of 'first come last go' and those of the petitioners, who had rendered longer service on contract in past shall be given priority over others.

8. Disposed of accordingly.

May 05, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No