

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

CWP-18529-2022 (O&M)

Date of decision: August 23, 2022

Dharambir

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Intizar-Ul-Hasan, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of an appropriate writ in the nature of Prohibition restraining respondents not to replace the petitioner by another contractual employee.

2. Plead case is that petitioner was appointed in the year 2004 as sweeper on contractual basis through respondent No.4-outsourcing agency in AI-Afiya Civil Hospital, Mandi Khera, Tehsil Ferozepur Jhirka, District Nuh (Mewat) and performed his duties sincerely and diligently. On 24.04.2022, petitioner was not allowed to join duty and was orally told that his services are likely to be terminated at any time. Petitioner also served a legal notice dated 06.06.2022 (Annexure P-1), but to no avail. Hence, the present petition.

3. On advance service, learned State counsel appears and opposes the petition.

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

5. Perusal of case file reveals that disputed question of facts are involved which cannot be gone into on the basis of affidavits under the extraordinary writ jurisdiction.

Concededly, the petitioner's services were hired on contract. The contractual employee has only 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 petitioner to seek appropriate alternative remedy, as may be advised and available in law.

(ARUN MONGA)
JUDGE

August 23, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No