

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

CWP-17749-2022 (O&M)

Date of decision: August 16, 2022

Rajesh Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Wazir Singh, 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 commanding the respondents to take the petitioner back in service on the post of plumber and also pay his back wages.

2. Pledged case that petitioner was appointed on the post of Plumber on contract basis, on monthly salary at DC rate. He was assigned posting and duty under the supervision of respondent No.5. Contract was extended from time to time. Petitioner's services were engaged/outsourced through a contractor i.e., respondent No.6. His contractual services were later dispensed with and allegedly, even the salary for one year i.e., from July 2019 to July 2020 was not been paid, despite satisfactory work and conduct. Petitioner moved an advance legal notice-cum-representation dated 23.07.2020 (Annexure P-4), but to no avail. Hence, the instant petition.

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

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 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 16, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No