

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

Date of decision: July 20, 2022

1. CWP-22019-2017 (O&M)

Satish Kumar and others

....Petitioners

versus

State of Haryana and others

....Respondents

2. CWP-18568-2017 (O&M)

Suresh Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. J.P. Sharma, Advocate,
Mr. Karamveer Singh Banyana, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG Haryana.

Mr. R.S. Longia, Advocate for respondent-UI.

ARUN MONGA, J. (ORAL)

Vide this common order and judgment, I intend to dispose of the above-mentioned two writ petitions since not only the facts are similar but the law points and the issue raised therein are also common. For brevity, facts are being taken from CWP-22019-2017.

2. Petition herein, *inter alia*, is for issuance of an appropriate writ to restrain the respondents from replacing the petitioners to work on contract basis, allegedly with another set of contractual employees.

3. The controversy herein is summed up in a previous order dated 28.09.2017 passed by my learned brother Amol Rattan Singh, J. in the following words:-

“Learned counsel for the petitioners submits that despite the Scheme to which the petitioners were recruited, continuing, i.e. the Saakshar Bharat Mission, the petitioners' contracts have been renewed only up to 30.09.2017, whereas earlier they were renewed for a full financial year, the petitioners having been on the job since the years 2010/2011.

Notice of motion be issued to the respondents, returnable on 18.12.2017.

In the meanwhile, if the Scheme is still continuing and work is available and the petitioners' work is found to be satisfactory, they shall not be replaced by another set of contractual employees.

However, if the posts on which the petitioners are working are completely discontinued by the respondents (and simply not with a new nomenclature), or the petitioners' work has not been found to be satisfactory by due proceedings, this order would be deemed to have not been passed, as regards the stay in their favour.”

4. *Apropos* on the resumed hearing today, learned State counsel as well as learned counsel appearing for UOI submit that Scheme i.e. Saakhshar Bharat Mission under which contractual appointments were made has indeed been discontinued and resultantly the petitioners cannot claim continuation of their services as a matter of right.

5. Being so, I see no further grounds to interfere. It is settled position that there is only limited scope of the Court in a matter of contract which is confined only to the rights arising out of the terms and conditions contained in the contract between Employer and the Employee. As regards the other contention of the petitioners that their services at the relevant time were contemplated to be discontinued only to accommodate certain more favoured set of persons on contract in substitution of the petitioners, even if there is any merit therein, though it is only an assumption for the purposes of the disposing of the petition, the said averment loses its significance in view of the entire Saakshar Bharat Mission having been discontinued. Needless to

say, the so-called favoured persons who had to substitute the petitioners would also have to lose and/ or already their jobs along with the petitioners.

6. Dismissed. In the parting, on a Court query both the learned counsel appearing for UOI and State counsel submit that there has been no subsequent scheme either by way of change of nomenclature or otherwise under which any contractual employment has been made on the posts on which the petitioners earlier worked.

7. Pending applications, if any, also stand disposed of, accordingly.

8. A photocopy of this order be placed on the file of the connected case.

(ARUN MONGA)
JUDGE

July 20, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No