

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

CWP-2879-2017 (O&M)

Date of decision: July 29, 2022

Pushpender Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. D.R. Bansal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the impugned advertisement (Annexure P-19) for the post of Block ASHA Coordinator (Category No.4) and assailing the action of respondents in not renewing the contract of the petitioner.

2. Petitioner was appointed on the post of Block/ CHC ASHA Coordinator under NRHM Programme on contract basis vide appointment letter dated 25.01.2013 (Annexure P-1). Contract was being renewed from time to time. Petitioner pleads that he had been unwell since October, 2015 and got his treatment from different hospitals and could not report for work when he was unwell. He later submitted his joining report on 26.11.2015, but was not allowed to join. On 09.02.2017, he was informed that the post in question has been advertised along with other posts and petitioner is not likely to be re-appointed in view the advertisement *ibid*.

3. On advance service, learned State counsel joins proceedings and strenuously opposes the petition.
4. I have heard learned counsel for the parties and gone through the case file.
5. Concededly, the petitioners' services were hired on contract. The contractual employee has only very 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 petitioners to seek appropriate alternative civil remedy as may be advised and available in law.

(ARUN MONGA)
JUDGE

July 29, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No