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

CWP-21094-2022 (O&M)

Date of Decision:15.09.2022

Gulab Singh

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sanjay Verma, Advocate
for the petitioner.

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

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus for directing the respondents to provide contractual appointment to the petitioner as Tube-well Operator on the tube-well installed on the land of the petitioner himself.

2. Succinct facts first. Father of the petitioner was co-owner in possession of the land measuring 45 kanal situated in Khasra No.14//20 situated at Mauja Farakpur and the said land is situated near the residential colony namely New Nanak Nagar, Farakpur, District Yamuna Nagar. For the purpose of providing drinking water to the residents of the above-mentioned colony, the SDO, Public Health Department, approached the father of the petitioner for giving land measuring 50 sq. yards to the department for installation of tube-well and the SDO concerned agreed and promised that the petitioner would be appointed as Tube-well Operator on contractual basis on the said tube-well. Therefore, the

father of the petitioner provided documents of his son i.e. the

petitioner in the present petition to the SDO concerned to appoint his son on contractual basis. After receiving the documents as well as taking possession of the land measuring 50 sq. yards, the department concerned has installed the tube well in the month of March, 2022 which has started operating since April, 2022 and the petitioner is operating the tube well since that day. However, till date the department is neither providing any certificate of appointment nor they are paying the salary to the petitioner. Hence, the petitioner is before this Court.

3. Learned counsel for the petitioner would argue that father of the petitioner has been defrauded by the respondents and their land has been grabbed by the respondents with false promise that they will provide contractual appointment to the petitioner for running the said tube well.

4. On advance service, the learned State counsel appears and submits that merely because the petitioner had given his 50 sq. yards of land for installation of tube well is no ground to appoint him on contractual basis for operating that very tube well. He further submits that the petitioner himself is the beneficiary of the said tube well as ground water is easily available to him for irrigation purposes.

5. Be that as it may, this Court would ordinarily refrain from interfering in the domain of the employer's discretion to engage employees on contract, more so, if services are not required. In the

premise, being a matter of employer’s discretion, this Court ought not to exercise its extraordinary writ jurisdiction.

6. Dismissed with liberty to the petitioner to seek appropriate alternative remedy as may be advised and available in law.

(ARUN MONGA)
JUDGE

September 15, 2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No