

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

CWP-24733-2019

Date of decision: March 14, 2022

Renu Devi and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Aditya Yadav, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to allow the petitioners to work on their posts till the time said posts are not filled up through regularly selected candidates.

2. Learned counsel for the petitioners submits that upon finding shortage of staff in the Government College Dronacharya, Gurugram, a decision was taken to engage the Junior Librarian, Library Attendant, Restorer, Clerk, Sweeper, Chowkidar, Mali (Temporary/ Contract basis). The petitioners are satisfactorily working in the said College since 2015 as per the outsourcing policy-II issued by the Government of Haryana. He submits that the petitioners are performing their duties similar to regular employees. There is requirement of certain posts on the contract basis due to non-availability of sufficient staff in the College *ibid*. He further submits that the petitioners are entitled for equal pay as the petitioners also perform equal work as being performed by the regular employees. He submits that as per past practice, respondent-college is

going to issue fresh advertisement for filling up the posts on temporary basis. He submits that the case of the petitioners is similar to the case of the petitioners in CWP-366-2017 and prays that this petition be also disposed of in the same terms.

3. Heard learned counsel for the parties and perused the record.

4. While disposing of the writ petition-CWP-366-2017, the Coordinate Bench of this Court, vide its judgment dated 21.08.2018 observed as under:-

“Learned counsel for the petitioners has referred to the judgment passed by this Court in CWP No.16954 of 2015, titled 'Anurag Chahal and others vs. State of Haryana and another', decided on 05.5.2016 (Annexure P-10) wherein, while considering the case of Computer Instructions, who had been appointed by the duly constituted Selection Committee were granted minimum of the regular pay scale as they had been working on the said posts for the last six years and further they were allowed to continue to work on their posts till the regular selections were made and they were held entitled to get the salary of the vacation period and minimum pay scales as admissible to the regular employees.

The petitioners are claiming at par as per the above said judgment in Anurag Chahal's case (supra). Further this Court in CWP No.2427 of 2016, titled 'Jyoti Sharma and others vs. State of Haryana and others', decided on 30.5.2016 and CWP No.15685 of 2015, titled 'Raju Sharma and others vs. State of Haryana and others, decided on 21.3.2017 passed similar orders.

In view of the above, the present petition is disposed of and respondents are directed to retain the petitioners on the posts they are working till regular selection are made and grant them salary of the vacation period and minimum pay scales as admissible to the regular employees.”

5. In the premise, this writ petition is disposed of in terms of the judgment *ibid*.

(ARUN MONGA)
JUDGE

March 14, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No