

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

CWP-8138-2018(O&M)

Date of decision: November 10, 2022

Tarun Kumar and others

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Sangita Dhanda, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Manish Deswal, Advocate for
Mr. B.K. Bagri, Advocate for respondent No.5.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of an appropriate writ in the nature of Mandamus commanding the respondents to allow the petitioners to continue working so long as regular appointments are not made. They claim to have been appointed through proper channel by the Contractor and all the petitioners have been working for the last more than 3 to 4 years.

2. First, succinct factual background as pleaded in the petition. Petitioners were appointed on Class-IV posts under the Civil Surgeon (their Appointing Authority), General Hospital, Rewari on D.C. Rates, on contractual basis for six months, through an approved agency in the year 2014-2015. Contract was being extended from time to time. Petitioners apprehend that their contract may not be renewed and there is likelihood that they may be replaced by another set of contractual employees.

3. I have heard rival contentions of learned counsel for the parties and gone through the record.

4. Controversy involved herein is no more *res integra*. Reference in this regard, may be had to the decision of the Apex Court rendered in the case of **Hargurpartap Singh versus State of Punjab and others** reported as (2007) 13 SCC 292, wherein, it has been held that the employees working on an *ad hoc* basis may not claim regularization, but their services should not be terminated till regular appointments are made. Relevant extract thereof reads as below:

“3. We have carefully looked into the judgment of the High Court and other pleadings that have been put forth before this Court. It is clear that though the appellants may not be entitled to regular appointment as such it cannot be said that they will not be entitled to the minimum of the pay scale nor that they should not be continued till regular incumbents are appointed. The course adopted by the High Court is to displace one ad hoc arrangement by another ad hoc arrangement which is not at all appropriate for these persons who have gained experience which will be more beneficial and useful to the colleges concerned rather than to appoint persons afresh on ad hoc basis. Therefore, we set aside the orders made by the High Court to the extent the same deny the claim of the appellants of minimum pay scale and continuation in service till regular incumbents are appointed. We direct that they shall be continued in service till regular appointments are made on minimum of the pay scale. The appeals shall stand allowed in part accordingly.”

5. In view of the aforesaid, I see no reason as to why the benefit of the aforesaid decision be not accorded to the petitioners herein who have already rendered contractual services for the last more than 3 to 4 years. In the premise, writ petition is disposed of in terms of **Hargurpartap Singh’s case (supra)**. Services of the petitioners shall not be dispensed with for appointing another set of contractual employees. Needless to say, in case regular appointees are available, the petitioners will have no right to continue

and aforesaid order is subject to the exigency of work being available.
Petitioners shall not have any claim to continue even if there is no requirement of work.

6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

November 10, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No