

115 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25096-2021
Date of Decision: 12.01.2022

PARVEEN AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. ShailenderKashyap, Advocate
for the petitioners.

Mr. SaurabhMohunta, D.A.G., Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petition herein, under Articles 226/227 of Constitution of India is for issuance of a writ in the nature of *certiorari* for setting aside the impugned order dated 28.10.2021 (Annexure P-6) passed by the Excise and Taxation Commissioner, Haryana at Panchkula, whereby, the services of the petitioners were dispensed with.

2. Learned counsel for the petitioners submits that the services of the petitioners have been dispensed with without affording any opportunity of hearing and/or serving any prior show cause notice. Though they were engaged as contractual employees through respondent No.3, but their livelihood cannot be taken away so summarily.

3. Heard.

4. Concededly, the petitioners' services were hired intermittently from time to time on contract basis. However, their services, being not

satisfactory, as certain complaints were received against them, have been dispensed with vide impugned order dated 28.10.2021 (Annexure P-6).

5. Be that as it may, firstly; being contractual employees, the petitioners have only very limited rights and therefore, this Court would ordinarily refrain from interfering in the extra-ordinary writ jurisdiction on that ground alone, even otherwise, secondly; there are disputed questions involved in the case, which cannot be adjudicated on the basis of affidavits through extra ordinary writ jurisdiction. On both counts, I do not find any grounds to interfere as neither there is any vested statutory right nor any violation thereof.

6. Dismissed with liberty to the petitioners to seek their alternative remedy in ordinary course.

January 12, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No