

113 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-27107-2021
Date of Decision: 06.01.2022

ASHFAK AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mohd. Shahid Hussain, Advocate
for the petitioners.

Ms. Rajni Gupta, Addl. A.G., Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petitioners are before this Court seeking their re-induction on the post of Data Entry Operators in the Office of respondent No.3-District Welfare Officer, Nuh, Haryana, alleging that despite their work being satisfactory, their services have been summarily dispensed with vide impugned order dated 22.01.2021 (Annexure P-2), in order to accommodate another set of contractual employees.

2. Having heard the learned counsel for the petitioner and also the learned State counsel, who appears on advance service of copy of the petition, I find no grounds to interfere, *inter alia*, on the ground of delay and laches alone, apart from other reasons as enumerated hereinafter.

3. The services of the petitioners were concededly dispensed with on 22.01.2021. The writ petition was filed somewhere in the month of December, 2021 i.e. after about 11 months. Even otherwise, no appointment

letter of the petitioners has been placed on record, in order to ascertain as to what were the terms and conditions of their appointment.

4. Be that as it may, the contractual employee has only very limited rights confined within the four corners of the contract of employment. There is very limited scope of this Court to interfere in the extra-ordinary writ jurisdiction.

5. Even otherwise, perusal of letter/memo dated 22.01.2021 (Annexure P-2) written by the District Welfare Officer, Nuh reveals that the services of the petitioner have not been dispensed with either because of their performance or in order to accommodate another set of contractual employees. It is merely because at a certain stage, the work load required the services of five Data Entry Operators and later on, in view of the reduced work, only two Data Entry Operators were required. The same were since already available in the Office of Haryana State Electronics Development Nigam Limited and were so deputed with respondent No.3, therefore, the contractual Data Entry Operators provided by the privately outsourced contractor, which included two petitioners apart from three other employees, had to make way for them.

6. In the premise, no grounds to interfere, both on the grounds of delay as well as on merits.

7. In the parting, I may hasten to add here that the reliance placed by learned counsel for the petitioners to claim parity with other similarly situated contractual employees, who were granted indulgence by this Court vide orders contained at Annexures P-4 to P-7, is misplaced. All those contractual employees had approached this Court well in time and had rendered much longer duration of service, as is borne out from the interim

orders itself that they had rendered services uninterruptedly from the year, 2014 onwards. Whereas, the petitioners' services were engaged only for a short duration from 2019 until January, 2021.

8. Accordingly, the petitioners' case is not similar to those others as has been argued by learned counsel for the petitioners.

9. Dismissed.

January 06, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No