

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

(215)

CWP-7478-2015 (O&M)

Date of Decision : August 23, 2022

Malkeet Singh and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manoj Makkar, Advocate, for the petitioners.

Mr. R.S. Budhwar, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present case, the prayer of the petitioners is that the petitioners, who are working on contractual basis, should not be replaced through another set of contractual employees and should be allowed to continue in service till the regular incumbents joins.

As per the averments made in the petition, the petitioners were appointed as Sweeper/Mali in the respondent No.3 institution starting from 2009 onwards till 2015.

Learned counsel for the petitioners argues that the petitioners are being replaced by another set of employee on contractual basis which is impermissible hence, the relieving of the petitioners by respondent No.3 be treated as bad in law and respondent No.3 be directed to allow the petitioners to continue in service.

While issuing notice of motion, this Court directed that the petitioners shall not be replaced by another set of contractual employees.

After notice of motion, reply has been filed by the respondents wherein, they have stated that though, the petitioners are working in the Industrial Training Institute but, the petitioners were appointed by the Managing Committee of the Institute out of their own funds received under the grant system from Government of India and no amount is being paid to the petitioner by the respondents Institute out of the budget allocated to the institution. As per the reply, the Managing Committee of the Institute decided to outsource the Mali/Chowkidar for which the petitioners were given option but they refused and therefore, they were relieved from service but the petitioners have not been replaced by another set of contractual employees.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The petitioners are the contractual employees and cannot claim to continue in service unless and until any of their right is infringed. The only right which is available to the petitioners is that they are entitled to continue till their requirement by the employer and cannot be replaced by another set of employee on the same terms and conditions. No averments have been made by the petitioners as to how, they are being replaced by another set of contractual employees.

Further, no detail of employees, who have been appointed after relieving of the petitioners, has been given in the writ petition or thereafter.

No replication has been filed by the petitioners to controvert the statement of the respondents that the petitioners were being paid from

the funds which were generated or were available to Institute's Management Committee under the grant system. The said grant has already been exhausted in the year 2017.

Keeping in view the facts and circumstances which have been noticed hereinbefore especially that the petitioners have not been able to satisfy this Court that the petitioners have been replaced by another set of employees on the contractual basis and further that the petitioners were being paid by the IMC Society out of their own funds which funds were received under the grant system and the petitioners were not engaged by the Industrial Training Institute Sadhaura, no relief, as being prayed by the petitioners in the present petition, can be extended to them.

Accordingly, the present writ petition is dismissed.

As the main writ petition is dismissed, application i.e. CM-5370-CWP-2019 stands disposed of.

August 23, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No