

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

CWP-27104-2022 (O&M)

Date of decision: November 29, 2022

Virender and another

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rishav Sharma, Advocate for the petitioners.

Mr. Pankaj Middha, Additional AG Haryana.

Mr. Sanjiv Kumar Aggarwal, Advocate
for respondents No.2 and 3.

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 continue in service pursuant to their selection and appointment after due process of law till such time regular incumbents are appointed on the posts on which the petitioners were initially appointed. Further, it is prayed that the services of the petitioners be not dispensed/replaced with another set of contractual employees.

2. Plead case is that petitioners applied for the post of Lab Technician advertised by respondent No.2, under Outsourcing Policy, vide advertisement dated 17.07.2020 (Annexure P-1) in view of emergent situation due to Covid-19 pandemic. Petitioner No.1 was selected against the post of General category and petitioner No.2 was selected against the post of EWS, on 25.11.2020. Appointment letters dated 26.11.2020 (Annexures P-3

& P-4) were issued and petitioners joined the post in question. Extension was issued from time to time. Vide guidelines dated 03.05.2021 (Annexure P-7) issued by Ministry of Health and Family Welfare, Central government recommended State/ UT Govt. to consider giving preference to those health professionals who complete minimum 100 days of Covid-19 related duty in regular Govt. appointments of Health Professionals through respective Public Service Commission/ other recruitment bodies. As per RTI information, there are total 192 sanctioned posts available with the respondents, out of which 175 posts have been filled and remaining 17 are vacant. The mode of recruitment of sanctioned posts is through direct recruitment.

2.1 As per extension letter dated 19.05.2022 (Annexure P-5 Colly.), services of contractual period of the petitioners are likely to be terminated on 30.11.2022 and 03.12.2022, respectively. As per instructions dated 09.09.2022 (Annexure P-10) issued by the Department of Human Resources (Human Resources-III Branch), it has been decided that employees appointed against sanctioned post and in service as on 28.09.2021, will continue till regular appointments are made against regular posts or till 31.12.2022, whichever is earlier.

3. On advance service, learned State counsel and learned counsel for respondents No.2 and 3 appear and oppose the petition.

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

5. Perusal of instructions dated 09.09.2022 (Annexure P-10) clearly reflects that those serving contractual employees whose services were engaged under Outsourcing Policy, Part-II and were appointed against

sanctioned posts and were in service as on 28.09.2021, shall continue till 31.12.2022 or until regular appointments are made whichever is earlier.

6. On a Court query, learned counsel for respondents No.2 and 3 submits that neither any regular appointments are being made nor is there any work exigency warranting continuance of petitioners as their services were hired in light of Covid-19 pandemic. Further, there is no contemplation to substitute the petitioners on the post in question by hiring another set of contractual employees in their place.

7. Being so, apprehension of the petitioners that their contracts are not being renewed in order to accommodate another set of contractual employees, seems to be totally unfounded in view of the aforesaid statement.

8. No grounds for interference are made out.

9. Dismissed.

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

(ARUN MONGA)
JUDGE

November 29, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No