

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

CWP No. 31210 of 2018 (O&M)

DATE OF DECISION: 27.05.2022

Ram Rattan and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jasbir Mor, Advocate,
For the petitioners.

Mr. R.K.S. Brar, Additional Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of mandamus directing the respondents to allow the petitioners to continue in service against vacant post of Lab Attendants. They assert that even after inducting regular selected candidates, vacancies are still available and there exists work requirement too. Reliance is placed on office instructions dated 13.07.2018, 22.08.2018 and 02.12.2008 (Annexures P-6 to P-8).

2. Learned State counsel at the outset submits that issue involved in the present case has already been adjudicated by this Court in CWP No. 30137 of 2018 titled “**Kusum and others v. State of Haryana and others**” decided on 04.10.2021, the relevant extract whereof is reproduced herein below :

“XXX

2. *Concededly, petitioners herein are contractual employees. Their contracts were being extended from time*

to time, subject to the regular appointments yet to be made qua the same very posts.

3. *It is settled position of law that contractual employees have to make way for the regular appointees. Having unsuccessfully competed for the regular appointment, the petitioners cannot stake their claim on the contractual posts in perpetuity.*

4. *Accordingly, no grounds are made out to direct the respondents to allow the petitioners to continue on contract. Regular employees qua the same very posts have since already been selected and therefore, the petitioners have to make way for them.*

5. *However, it is expected of the respondents to consider the case of the petitioners on contract on any alternative posts, which may be vacant on contract basis, subject of course there being requirement of the services of petitioners on said posts, which is anyway entirely at the discretion of respondents.”*

4. I see no reason as to why the petitioners in the present case be treated any differently. The analogy contained in the judgment *ibid* is fully applicable to the case of the petitioners. In view thereof, the instant petition is disposed of in terms of CWP No. 30137 of 2018, *ibid*.

5. Pending applications, including application for impleadment of selected candidates, also stand disposed of accordingly.

MAY 27, 2022
Shalini

(ARUN MONGA)
JUDGE

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