

2023:PHHC:038387

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

CWP-4956-2023 (O&M)

Date of decision: 14.03.2023

N.C.C Employees Union and another

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. G.P.Vashisht, Advocate for the petitioners
Mr.Vishnav Gandhi, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

The petitioners pray for the issuance of a writ in the nature of Certiorari to quash the proposal sent to the Council of Ministers.

In substance, the petitioners claim that the decision of the Council of Ministers to engage Clerks, Drivers, Peons, Chowkidars, Aero Model Instructor, Ship Model Instructor through outsourcing agency is illegal. Petitioner no.1 is stated to be an Employees Union whereas petitioner no.2 is working as a Junior Assistant in the NCC Wing.

From a perusal of the memorandum presented to the Council of Ministers, it is evident that there is an urgent requirement to engage the services of certain employees on outsourced basis in order to continue with the objectives sought to be achieved for having the NCC units. It has been observed that if these vacancies are filled up on the regular basis, the expenditure would be huge and keeping in view the financial condition of the State, it would not be practicable to fill the vacancies on the regular basis. The decision has been taken only to employ a certain percentage of the sanctioned strength of each category of posts through the outsourcing agency.

Learned counsel representing the petitioners contends that the chances of promotion the members of petitioner no.1-Union shall stand hampered because of the recruitment through the outsourced agency. He submits that the persons are sought to be engaged through the outsourced agency against the sanctioned posts, which is not permissible. Learned State counsel has stated that the Council of Ministers have decided to engage the employees through the outsourcing agency only upto a certain percentage and the posts for promotional quota are not being filled up.

This Court has considered the submission and analysis the arguments of the learned counsel representing the parties. NCC Wing has the objective of training the students for a better future. In order to run the wing in an efficient manner, employees are required. It would not be in the interest of the public to altogether close the unit in the absence of the employees. Keeping in view the fiscal health of the State, the Council of Ministers has taken a conscious decision, which does not appear to be arbitrary. This Court in exercise of powers of the judicial review, does not find it appropriate to interfere with the decision of the Council of Ministers.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

14.03.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE