

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 230)

(1)

CWP No. 16019 of 2021
Date of Decision : 27.07.2023

Gaurav Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(2)

CWP No. 17307 of 2021

Sarita Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikram Singh, Advocate and
Mr. Sandeep Kumar, Advocate for the petitioners
in CWP-16019-2021.

Mr. Dinesh Kumar Jangra, Advocate for the petitioners
in CWP-17307-2021.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law.

The grievance being raised in the present petitions is that petitioners are working on contractual basis and the respondents intend to replace them with another set of contractual employees on the same

terms and conditions, which act of the respondents is contrary to the settled principle of law as no contractual employee can be replaced by another contractual employees.

Learned counsel for the petitioners further submits that petitioners are entitled to continue in service till they are replaced by a regularly selected employee.

Learned State counsel submits that petitioners can only claim to continue till the work exists and in case, the department is of the opinion that the work of the post on which the petitioners are discharging the duties, is liable to continue, the petitioners will be allowed to continue, otherwise, appropriate order will be passed.

Keeping in view the above, both the petitions are disposed of with the direction to the respondents that petitioners will not be replaced by another set of contractual employees on the same terms and conditions and they will be allowed to continue till the work of the post on which the petitioners are working, exists. It is clarified that whether the work of the post on which the petitioners are working, exists, will be dependent upon the decision to be taken by the department in the facts and circumstances of the present case.

Both the petitions are disposed of accordingly.

July 27, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No