

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

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**CWP No.13205 of 2023
Date of Decision : 10.10.2023**

*Deepak**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Santosh Miglani, Advocate, for the petitioner

Mr. Sanjeev Kaushik, Addl. AG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *certiorari* quashing the order dated 12.12.2022, Annexure P-10, whereby the petitioner's representation dated 5.9.2022, Annexure P-8, has been rejected; and a writ of *mandamus* directing the respondents to adjust him under Outsourcing Policy Part-II, instead of Part-I, since he was initially appointed under Part-II of the Policy.

2. As per facts apparent on record, the petitioner had earlier approached this Court by filing CWP No.17496 of 2020, which was disposed of vide order dated 22.8.2022, granting liberty to the petitioner to file representation with the respondents regarding his grievance, if any. Pursuant thereto, he submitted a representation dated 5.9.2022, requesting to adjust him as Clerk either in the parent College or in a nearby College, wherever the post was lying vacant.

3. The petitioner's representation was considered by the respondents, and has been rejected by observing that the petitioner was relieved from Government College, Jind on 14.9.2020, under Outsourcing Policy Part-II, and was adjusted under Part-I of the Policy at Government College Safidon, Jind, vide memo dated 9.12.2020, but he failed to join

on the adjusted post. The order further records that the petitioner is not eligible to be adjusted under the Outsourcing Policy, since the government has decided to stop all fresh engagements under Part-I and II of the Policy as per instructions dated 9.9.2022. On re-consideration, it was decided to revive the Part-II of the Policy only for those employees who had been appointed against sanctioned posts and were in service on 28.9.2021. Such employees could continue till regular appointments were made against these posts or till 31.12.2022, whichever was earlier. Since the petitioner was not in service as on 28.9.2021, his claim for adjustment as a Clerk under the Policy was not maintainable, and the representation was accordingly rejected vide the impugned order dated 12.12.2022.

4. It has also come on record, that the matter was reconsidered vide government instructions dated 30.12.2022, Annexure P-16, and it was decided that employees working on Group-C and D posts and appointed under Outsourcing Policy Part-II were to be offered the option of being ported to Haryana Kaushal Rojgar Nigam Limited (hereinafter referred to as 'the Nigam'). Those who did not opt could continue only for one year. Therefore, even the earlier instructions dated 9.9.2022 have been modified in the aforesaid terms.

5. In this factual background, the petitioner has no right to be adjusted as Clerk under the Outsourcing Policy Part-II.

6. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

10.10.2023

Ashwani

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