

102/6/10/5/4

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

CWP-15803-2020

Date of Decision: 23.02.2023

MAHENDRA KUMAR MAHARANA AND ORS. Petitioners

Versus

STATE OF HARYANA AND ORS. Respondents

II. CWP-16874-2020

NAVEEN KUMAR AND ANR. Petitioners

Versus

STATE OF HARYANA AND ORS. Respondents

III. CWP-17012-2020 (O&M)

PREETI GANDHI AND ORS. Petitioners

Versus

STATE OF HARYANA AND ORS. Respondents

IV. CWP-17015-2020

SUBESHWAR SHARMA AND ORS. Petitioners

Versus

STATE OF HARYANA AND ORS. Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K. Panwar, Advocate, for the petitioners.

Mr. Anant Kataria, DAG, Haryana.

Mr. Arvind Seth, Advocate, for respondents-HSVP.

JAISHREE THAKUR.J (Oral)

By way of this common order, four petitions i.e. ***CWP No.15803 of 2020, Mahendra Kumar Maharana and others Versus State of Haryana and others; CWP No.16874 of 2020, Naveen Kumar and another Versus State of Haryana and others; CWP No.17012 of 2020, Preeti Gandhi and others Versus State of Haryana and others and CWP No.17015 of 2020, Subeshwar Sharma and others Versus State of Haryana and others***, as common question of law is involved. However, the facts have been taken from CWP No.15803 of 2020.

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking an appropriate writ, order or direction especially in the nature of certiorari for quashing the impugned letter dated 25.09.2020 issued by respondent No.2 whereby the petitioners are ordered to be removed from their service.

Learned counsel appearing on behalf of the petitioners would contend that the petitioners are working with the respondents since the year 2007 and, therefore, their service cannot be dispensed with summarily and replaced by another set of contractual employees.

Pursuant to notice of motion having been issued, appearance has been caused on behalf of contesting respondents-Haryana Shehri Vikas Pradhikaran i.e. respondents No.2 to 6. Learned counsel appearing on their behalf would submit that the instant writ petition is not maintainable in the light of the fact that the petitioners herein have been working with the HSVP and their services have been placed at the disposal of the respondents through the outsourcing agency. There is no contract or employment given to the

petitioners directly (see: *Nishan Singh and others Versus State of Punjab and others, 2014 (11) RCR (Civil) 262*).

At this stage, counsel appearing on behalf of the petitioners would submit that in case the petitioners approach the Haryana Kaushal Rojgar Nigam Limited, under the policy dated 30.06.2022, their names may be considered for putting on the portal as maintained by the Nigam and employment offered to them.

I have heard learned counsel for the parties.

Even though the writ petition is not maintainable and the same is being disposed of, however, in case the petitioners approach the Nigam for being considered for employment under the said policy, the same shall be considered expeditiously preferably within a period of one month from the date of receipt of representation along with certified copy of this order.

The present writ petition i.e. CWP-15803-2020 stands disposed of.

The other writ petitions i.e. CWP No.16874, 17012, 17015 of 2020, are also disposed of on the same reasons.

(JAISHREE THAKUR)
JUDGE

23.02.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No