

LPA-614-2022 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-614-2022 (O&M)

Date of decision: 22.11.2023

State of Haryana and others

....Appellants

V/s

Suresh Kumar and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. AMAN CHAUDHARY

Present : Mr. Deepak Balyan, Additional Advocate General, Haryana.
Mr. Jaspal Singh Maanipur, Advocate for the respondents.

RITU BAHRI, ACTING CHIEF JUSTICE (Oral)

1. The State has preferred the instant Letters Patent Appeal against the judgment dated 21.03.2022 passed by learned Single Judge whereby a directions has been given to appellants to disburse the salary of respondents-writ petitioners w.e.f 01.11.2017 along with interest @ 6% per annum, in terms of administrative instructions dated 03.11.2017.

2. Learned counsel for the appellant has referred to Instructions dated 06.04.2015 (Annexure R-3), which according to him would be applicable in case of the respondents-writ petitioners as they were engaged on temporary basis and not against the vacant sanctioned posts. Thus, the employees who have been appointed or engaged without following due process of law, have no right to raise any claim whatsoever. He submits that impugned order deserves to be set-aside as respondents-writ petitioners have mislead the Court by relying upon Government Instructions dated 03.11.2017 (Annexure R-2).

3. On the contrary, learned counsel for the respondents submits that Instructions Annexure R-3 are with regard to Policy for

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engaging/outsourcing of service/activities. The learned Single Judge has referred to Instructions dated 03.11.2017 (Annexure R-2) whereby respondents-writ petitioners were engaged on contractual basis and they have the right to be given the minimum pay-scales of the categories to which they belong.

4. We have heard learned counsel for the parties.
5. It appears that respondents-writ petitioners were initially engaged on limited term on monthly basis on consolidated remuneration of Rs.3,000/- per month in the year 2015 on certain terms and conditions. Learned State counsel has not been able to show that the respondents-writ petitioners were appointed through out-sourcing service as reflected in Instructions dated 06.04.2015 (Annexure R-3).
6. Since counsel for the appellant has not been able to show appointment of respondent-writ petitioners through outsourcing service, the judgment passed by learned Single Judge does not require any interference.
7. Accordingly, the instant Letters Patent Appeal lacks merit is hereby dismissed.
8. Pending application(s), if any, shall also stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

November 22, 2023
Ajay

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