

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 117

Civil Writ Petition No.17305 of 2023
Date of Decision: August 10, 2023

Sania Arora and others

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Mr. Parmender Singh, Advocate for the petitioners.

Mr. Ravinder Singh Budhwar, Addl. AG, Haryana.

. . .

Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *certiorari* quashing the order dated 29.07.2023 on the ground that the petitioners have been relieved from service without any notice or following due process of law.

2. As per facts apparent on record, the petitioners were appointed after walk-in-interview pursuant to notice dated 28.03.2020 (Annexure P-1). It was to recruit people on contract basis for running the Viral Research Diagnostic Laboratory (VRD Lab) due to outbreak of COVID-19 Epidemic. Petitioners No.1 to 3 were accordingly appointed as Lab Technician and petitioners No.4 and 5 as Research Assistant on contract basis for three months in April-May, 2020. The petitioners subsequently approached this Court by filing CWP-16728-2021 *inter alia* seeking experience certificates, which were denied to them on account of their services having been handed over to a private contractor under the Outsourcing Policy Part-1, vide letter dated 16.08.2021. Since the period of

petitioners' engagement was upto 30.09.2021, this Court vide order dated 27.09.2021 allowed *status quo* to be maintained regarding their service. The writ petition was finally disposed of as infructuous, vide order dated 25.07.2023, as the petitioners had already been issued the experience certificates. Thereafter, the respondents vide impugned order dated 29.07.2023, Annexure P-3, dispensed with the petitioners' services being no longer required as no case of COVID-19 was reported.

3. Learned counsel for the petitioners contends that the petitioners' services have wrongly been discontinued, and the respondents are in the process of recruiting persons on contract as their replacement. For that purpose advertisements no.6/2023 and 7/2023 for the post of Research Assistant and Laboratory Technician have been issued. This is contrary to the settled law that a contract employee cannot be replaced by another such employee.

4. Learned State counsel, on instructions from, Mr. V.S. Chauhan, Superintendent, KCGMC, Karnal, points out that the respondents have been relieved since VRD Lab in the respondent-Institute has already been disbanded. No COVID-19 infected patient has reported in the institute for quite some time. Therefore, the petitioners are no longer required. He further contends that advertisement no.6/2023 for appointment of Research Assistant and Laboratory Technician in VRD Lab has already been withdrawn. Advertisement no.7/2023 has been issued for filling-up different posts in the Multi Disciplinary Research Unit (MDRU) purely on contract basis on project mode as per prescribed eligibility and remuneration, for a period of one year extendable up to completion of the project. This research unit has been set up in the Institute for research of different viruses and is funded by the Ministry of Health and Family Welfare. The qualifications for

Research Scientist-I (Scientist “B”) and Laboratory Technician required for the said unit are also different from the ones which were required for setting up of the VRD Lab. In case the petitioners are eligible for the advertised posts, they can apply for the same, and their candidature will accordingly be considered.

5. Learned counsel for the parties have been heard and case file has been perused.

6. The petitioners were appointed as Research Assistant and Laboratory Technician for a specified purpose in the VRD Lab set-up due to outbreak of the COVID-19 pandemic. The purpose has been served; the pandemic is over, and, therefore, the lab has also been disbanded. The advertisement in question, bearing no.7/2023, has been issued for recruiting personnel for a different purpose, i.e., for the Multi Disciplinary Research Unit, on a project funded by the Central Government. The qualifications required for the posts are also different from the ones required for the VRD Lab, in which the petitioners were appointed. Apparently, therefore, the said advertisement has not been issued to replace the petitioners as contract employees; rather, it has been issued for a different purpose, as aforesaid.

7. In view thereof, there is no ground to entertain the petition, and is accordingly dismissed.

(Tribhuvan Dahiya)
Judge

August 10, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No