

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

130/1 CWP-17666-2023 (O&M)
Date of Decision: 12.12.2023
Rakesh Kumar and others ...Petitioner

Versus

Union of India and Others ...Respondents

With

130/2 CWP-20977-2023 (O&M)
Ashish Suhag and others ...Petitioners

Versus

Union of India and others ...Respondents

With

221/1 CWP-30225-2018 (O&M)
Nirmala Yadav and others ...Petitioners

Versus

Union of India and others ...Respondents

With

221/2 CWP-31480-2019 (O&M)
Sunil Singh and others ...Petitioners

Versus

Union of India and others ...Respondents

CWP-17666-2023 (O&M) & connected cases -2-

With
221/3 CWP-37119-2018 (O&M)
Sangeeta Kumari and others ...Petitioners

Versus
Union of India and others ...Respondents

With
221/5 CWP-30815-2018 (O&M)
H/Lt. Samrath Singh and others ...Petitioners

Versus
Union of India and others ...Respondents

And
222 CWP-244-2019 (O&M)
Sub. Maj. Ashok Kumar and others ...Petitioners

Versus
Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Naveen Kumar, Advocate and
Mr. Arman Goyal, Advocate and
Mr. Nalin Singhal, Advocate for the petitioners

Mr. Narender Kumar Vashist, Senior Panel Counsel,
for Union of India-respondent No.1 in CWP No.17666-2023

Mr. Arihant Goyal, Senior Panel Counsel,
for Union of India-respondents in CWP-20977-2023

Mr. Sudhir Nar, Senior Panel Counsel,
for Union of India-respondents
(in CWP-30225-2018, CWP-37119-2018, CWP-31480-2019,
CWP-30815-2018 and CWP-244-2019)

Mr. Rose Gupta, Advocate and
Ms. Garima Modi, Advocate and
Ms. Yashika Walia, Advocate and
Ms. Hardeep Kaur, Advocate for respondent Nos.2 and 3
(in CWP No.17666-2023)

JAGMOHAN BANSAL, J. (Oral)

1. As the issue involved is common, with the consent of contesting parties, all the captioned petitions are disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP No.17666 of 2023*.

2. On 23.11.2023, the following order was passed:-

“The petitioners through instant petition under Articles 226/227 of Constitution of India are seeking direction to the respondents to regularise their services.

The petitioners are working with respondents as Accounts Clerk/Sales Person. Few petitioners are working with respondent for more than 7 years and few petitioners are working for last 5 to 7 years. The petitioners were initially appointed on contract basis and period of contract was 11 months, however, contract was extended from time to time. The petitioners on the basis of length of their service are claiming either they be regularised or at least may not be replaced by another set of employees. The termination of their services at this age would drive their families to destitution and penury. The petitioners at this age cannot get job anywhere else. They have contributed their substantial part of life to the organisation.

The petitioners are claiming that respondent-organisation is a public authority whereas respondent is

claiming that it is a pure private organisation which is not amenable to writ jurisdiction. The petitioners in support of their contention have pointed out report of CAG as well as Public Accounts Committee wherein both the constitutional authorities have opined that Unit Run Canteens are public funded authorities because they are getting funds from consolidated fund of India. These authorities in their reports have insisted for statutory audit of URC-respondent.

On the asking of Court, learned counsel for respondents No.2 and 3 submits that as per his knowledge, no advertisement post 2018 has been issued for the appointment of Accounts Clerk/Sales persons. He seeks time to get instructions with respect to possibility to continue the petitioners as contractual employees without regularisation.

Adjourned to 12.12.2023.

To be taken up at 2.00 p.m.

A photocopy of this order be placed on the files of other connected cases.”

3. Learned counsels for the respondents submit that petitioners have not been appointed against regular posts. There are no sanctioned or regular posts available with the respondents, however, they concede that Canteens where petitioners are working are still operating and there is need of manpower. The respondents further submit that they do not want to make appointment of regular employees. It is settled proposition of law that no contractual employee has absolute or vested right to continue. The respondents carry right to terminate service of any employee on the completion of period of contract.

4. Hon’ble Supreme Court in ***Hargurpratap Singh v. State of Punjab and others, 2007 (13) SCC 292*** and Full Bench of Delhi High Court

in *Narinder Singh Ahuja and others v. The Secretary, Ministry of Health and Family, 2014 SCC Online Del 2243*, have directed the respondents therein to permit the petitioners to continue till they are replaced by regular employees.

5. Respectfully following the judgments of Apex Court in *Hargurpratap Singh (supra)* and Delhi High Court in *Narinder Singh Ahuja (supra)*, the respondents are directed to permit the petitioners to continue till they are replaced by regular employees or the respondents find misconduct on the part of petitioners or the respondents conclude that in view of changed circumstances, there is no work which can be assigned to the petitioners. The petitioners would work subject to the terms and conditions jotted down in the contract.

6. Disposed of in above terms.

7. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.12.2023
Mohit Kumar

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