

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.22630 of 2020 (O&M)

Reserved on:21.03.2023

Pronounced on:03.05.2023

Rajbir Punia and others

...Petitioners

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sajjan Singh, Advocate
for the petitioners.

Mr. Narinder Singh Behgal, AAG, Haryana.

Mr. Vishal Gupta, Advocate
for respondents No.2 to 5.

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JAISHREE THAKUR J.

1. The instant writ petition has been filed under Article 226/227 of the Constitution of India for quashing of impugned order dated 11.04.2019 (Annexure P-8) whereby services of the petitioners have been terminated.

2. In brief, facts are that petitioners were appointed as Accountants under the Haryana Government Outsourcing Policy Part-II dated 06.04.2015 in pursuance to advertisement issued by the respondents on 12.07.2017. They were allotted districts of Fatehabad, Faridabad and Ambala respectively. However, posting of petitioner No.3 was later on changed from Ambala to Kurukshetra. They discharged their duties to the utmost satisfaction of the respondent authorities, however, their services were terminated vide order dated 11.04.2019 in an illegal and arbitrary manner. Petitioners made various representations to the respondent authorities requesting them to extend their contracts and continue their services, however, no action has been taken thereon. Hence, the instant writ petition.

3. Learned counsel appearing for the petitioners would contend that petitioners were appointed against the sanctioned posts under the Outsourcing Policy Part-II and without making regular appointments on the posts of Accountants, their services were discontinued, which is illegal and arbitrary. There are still shortage of Accountants and after terminating the services of petitioners, additional charge has been given to the Clerks working in other districts and therefore, without making appointments on regular basis, their services stood terminated. It is also argued that vide instructions dated 06.11.2020 issued by the State Government, it has been mandated that wherever post of Clerk is lying vacant in the Head Office or Field Offices due to promotion or creation of posts or otherwise, persons, who were already engaged on contract basis under Outsourcing Policy Part-I and Part-II but their services stood terminated, be adjusted. Therefore, petitioners herein be adjusted against those vacant posts of Clerks.

4. Per contra, learned counsel appearing on behalf of respondents No.2 and 3 would submit that petitioners were appointed on contractual basis upto 31.03.2019 and therefore, on expiry of their contract, their services stood terminated vide order dated 11.04.2019. It was further argued that any employee engaged on contractual basis cannot claim continuance in service as a matter of right after expiry of that contract. It was also argued that appointments on the posts of Clerks have been made on regular basis in the respondent-department and therefore, they cannot be adjusted as requested by them as there is no vacant posts.

5. I have heard learned counsel for the parties and have perused the paper book.

6. A perusal of the appointment letters dated 26.09.2018 of the petitioners would reveal that they were appointed as Accountant in the Haryana

Scheduled Caste Finance and Development Corporation purely on contract basis upto 31.03.2019. It was also termed in the said appointment letters that their contracts can be discontinued at any time without any notice and/or assigning any reason. Admittedly, services of petitioners herein stood terminated after expiry of their contract period, on 11.04.2019. Moreover, it is not the case of petitioners herein that after discontinuing their contractual services, respondent department had appointed some other contractual employees in their place. The argument raised by counsel for the petitioners that the respondent-Department is in shortage of staff, as additional charge has been given to the Clerks of some other districts, is not sustainable, as services of the petitioners have been terminated in the year 2019 and subsequently, respondent-department has made appointments of Clerks on regular basis and they have been given postings at the places of need. It is settled position of law that renewal of contract cannot be sought by temporary/contractual employee as a matter of right as the said renewal of employment depends upon perception of management as to usefulness of employee and need for incumbent in position held by such employee (see *Jyoti and others Vs. The State of Haryana and others 2021 (1) SCT 588*).

7. In view of the aforesaid facts and circumstances, this Court does not find any reason to interfere with order dated 11.04.2019 (Annexure P-8) under writ jurisdiction. Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

May 03, 2023

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No