

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

**COCp-2855-2022 (O&M)
Date of decision: 13.02.2023**

Akash and others

...Petitioners

Versus

Puneesh Jindia and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Tewatia, Advocate
for the petitioners.

Ms. Anita Balyan, Advocate for
Mr. Deepak Balyan, Advocate
for respondent No. 1.

Mr. B. S. Khehar, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners are alleging violation of the order dated 27.09.2022, which was passed in the same terms of the order dated 31.05.2022, passed by this Court in CWP-5909-2022 and other connected petitions. The operative part of the order dated 31.05.2022 reads as under:

“In the meantime, petitioners who are continuing in service, shall not be disturbed till the next date of hearing, subject to their work and conduct being satisfactory. In case of petitioners whose services have already been dispensed with, their list would be handed over to the concerned outsourcing agency, so that they be first adjusted by the outsourcing agency on the principle of 'first come first go'. It is made clear that the present is an interim arrangement without prejudice to the rights of either of the parties.”

Learned counsel for the petitioners submits that the petitioners,

who were working as Sweepers in the Sessions Division, Palwal on DC rate and were rendering their services till 09.09.2022, when their services were dispensed with and thereafter, they filed the aforesaid writ petition and aforesaid directions were issued.

Reply, filed by way of the affidavit of OSD (Litigation), High Court of Punjab and Haryana, is taken on record. In reply, it is stated that vide letter dated 15.02.2022, the High Court has directed all the District & Sessions Judges in the States of Punjab, Haryana and U.T., Chandigarh to engage Sweepers/Mali through outsourcing agency as per policy dated 24.12.2009 and 26.10.2021. It is further submitted that Sessions Division, Palwal, vide letter dated 08.06.2022, was directed to do the needful as per policy instructions and a committee comprising judicial officers was constituted and thereafter, Sessions Division, Palwal made a request to the High Court to grant necessary approval for entering into service contract with the outsourcing agency M/s United Security & Management Services. After necessary permission was granted, services of 17 sweepers were dispensed with on 09.09.2022 and a list of 17 persons was provided to the said agency, vide letter dated 08.09.2022.

It is further stated in reply that later on, the said agency informed the Sessions Division, Palwal that out of 17 persons, only 01 person was willing to work as a newly engaged sweeper by the said agency. It is, thus, submitted that there is no violation of the order dated 27.09.2022 as much prior to passing of the said order, firstly the services of the petitioners were dispensed with and secondly, even prior to that, the said agency was directed to seek consent of the petitioners to work as newly engaged sweepers under the said agency, to which, out of 17 persons, only

01 person agreed to work as such. The said communication is attached with the reply as Annexure R-7.

In view of the same, no case of any willful disobedience is made against the respondents.

Accordingly, the present petition is dismissed.

Rule stands discharged.

13.02.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No