

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

107

CWP-30381-2022 (O&M)

Date of Decision: 25.01.2023

ASHOK KUMAR AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. RS Budhwar, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in the petition is for issuance of a writ in the nature of Certiorari to quash the impugned letters dated 17.11.2022, 14.12.2022, 22.12.2022 and all the letters/orders contemplating relieving of the petitioners on 31.12.2022, along with all the subsequent proceedings arising therefrom.

Short affidavit filed on behalf of respondent No.1, in the Court, is taken on record.

Learned counsel for the petitioners submits that the petitioners have been working as contractual employees, under Out-Sourcing Policy, Part-II, on various posts in the Department concerned from the year 2012-2020 and that post introduction of Haryana Kaushal Rozgar Nigam (HKRN) Policy, the Department concerned is in the process of terminating their services. He further submits that the

petitioners have not given any option to port to HKRN and that the petitioners have no objection on their relieving, in case regular appointments are made.

On the other hand, learned State counsel, while emphasizing upon the short affidavit dated 24.01.2023 submits that vide letter dated 30.12.2022 (Annexure R-1) issued by Haryana Government, Human Resources Department, the following decision has been taken:-

'2. Now the matter has been re-considered and the following decisions have been taken:-

(xi) The employees engaged under Outsourcing Policy, Part-II and working on Group-C and Group-D posts may be offered the option of being ported to HKRN. A time of three months is given to exercise the option.

(xii) The extension in the engagement of employees appointed under Outsourcing Policy, Part-II is given for a period of one year for those who do not accept the option of being ported to HKRN or who are working on Group A or Group B posts or under any law enacted by the State.

3. It is further clarified that services of employees mentioned at 2(ii) above appointed under Outsourcing Policy, Part-II will be the first to be terminated in case regular appointment is made on such posts.'

4. These instructions may please be brought to the notice of all concerned for strict compliance'.

Learned State counsel thus submits that once a conscious decision has been taken upon the grievance of the petitioners, the present petition does not survive.

At this stage, learned counsel for the petitioners submits that it is a settled law that the procedure of '*last come first go*' should be followed by the Department, in case the employee is sought to be terminated on the basis of regular appointments, if any.

I have heard the learned counsel for the parties.

As noticed above, the Department vide communication dated 30.12.2022 has categorically clarified that services of employees appointed under Outsourcing Policy, Part-II will be the first to be terminated in case regular appointment is made on such posts. Thus, it appears that the grievance of the petitioners in the present petition stands redressed, at this stage.

In case, the services of the petitioners are sought to be terminated in future, the principle of last come first go, should be taken care of by the Department concerned.

However, it is made clear that the petitioners shall continue to work to the best of their ability and efficiency and to the satisfaction of the Department concerned.

Disposed of in the above terms.

25.01.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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