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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2514-2024

Date of Decision:07.02.2024

BEGRAJ AND ORS.

..... Petitioners

Versus

UNION OF INDIA AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Arman Goyal, Advocate
for the petitioners.Ms. Bhavana Datta, Senior Panel Counsel
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to regularize their services and grant minimum regular pay-scale available to employees of CSDI.

2. Learned counsel for the petitioners submits that case of the petitioners is squarely covered by order dated 12.12.2023 passed by this Court in a Bunch of petitions titled as '***Rakesh Kumar and others Vs. Union of India and others***' CWP No.17666 of 2023.

3. Learned counsel for the respondents submits that petitioners cannot be extended benefit of regularization because they were not appointed against regular or sanctioned posts. They cannot be extended benefit of pay as payable to employees of CSDI.

4. Faced with this, learned counsel for the petitioners submits

that present petition may be disposed of in the light of order dated 12.12.2023 passed by this Court in ***Rakesh Kumar and others*** (supra).

5. This Court vide order dated 12.12.2023 has disposed of writ petitions of similarly situated employees. The relevant extracts of order dated 12.12.2023 are reproduced as below:

“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. The case of the petitioners is indubitably covered by aforesaid order. The petitioners deserve same relief as granted to similarly situated employees. Accordingly, the petition is disposed of in terms of order dated 12.12.2023 passed by this Court in *CWP No.17666 of 2023*.

(JAGMOHAN BANSAL)
JUDGE

07.02.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>