

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

2024:PHHC:047068-DB

LPA-876-2024 (O & M)
Date of Decision: 08.04.2024

Satbir Singh @ Satyavir Singh

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Amandeep Rana, Advocate,
for the appellant.

Mr. Deepak Balyan, Addl. A.G., Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

CM-2138-CWP-2024

1. Application for condonation of delay of 27 days in filing the appeal is allowed, in view of averments made in the application supported by affidavit of the appellant.

2. Delay condoned.

3. CM stands disposed of.

LPA-876-2024

4. Consideration in the present letters patent appeal, which has been filed by one of the writ petitioners out of the 14 who had approached the learned Single Judge, is to the judgment dated 05.01.2024 passed in CWP-13094-2019. The learned Single Judge noticed the fact that the employer was a private entity and, therefore, dismissed the writ petition in view of the law settled in ***CWP-12274-2020, Kumar Saurabh and others vs. State of Haryana and others***, decided on 30.09.2020. Liberty was given to the present appellant and his co-writ petitioners to invoke the jurisdiction of the appropriate Forum for the redressal of their grievance including filing a suit before the Civil Court.

5. The relief as such sought in the writ petition was that the petitioners be reinstated/allowed to work on the posts they were employed in, in lieu of the junior daily workers who were working on their posts or to absorb the petitioners in the job/vacancies lying vacant in Class-IV posts in the office of the Deputy Commissioner, Mahendergarh. The said appointments had been made through respondent No.3 i.e. service provider namely Army Enterprises. It is the own case of the appellant that he was working since 14.02.2012 (Annexure P-3). A perusal of the said letter would go on to show that the appellant was appointed as Peon on a contractual post for a period of six months and was asked to report in the office of Tehsildar, Mahendergarh.

6. In the writ petition itself, it has been pleaded that the services were terminated orally, in haste and fresh daily wagers or juniors to the appellant had been appointed while referring to the letter dated 02.02.2019 (Annexure P-7). A perusal of the same would go on to show apparently that the contractual employees, upon arrival of regular candidates, had been relieved. The Department has issued instructions that where vacant posts were available, the contractual persons were to be re-engaged in case they were relieved to avoid disruption of services.

7. In the reply to the writ petition also, it has been submitted that due to induction of regular Group-D employees on the posts of Peons, the services of the appellants could not be extended beyond 04.03.2019 as they were replaced by regular employees. This was done in consonance with the instructions issued by the Chief Secretary to Government of Haryana.

8. The judgment relied upon by the learned Single Judge in *Kumar Saurabh's case (supra)* was upheld in LPA-81-2021 by the co-ordinate Bench on 23.09.2021 wherein, it was held that the contractual employees have no right to

have their contract renewed from time to time while also placing reliance upon the judgment of the Constitution Bench of the Apex Court in ***State of Karnataka vs. Uma Devi, (2006) 4 SCC 1***. The relevant portion of the judgment rendered in LPA-81-2021 reads thus:-

*“As has already been noticed above, the appellants have failed to show that they were under the direct employment of respondents. Besides, this it appears on the record that actually the appellants were hired by private service provider. So, there is no binding contract between the respondents and the appellants. That being so, the learned Single Judge rightly observed that the writ petition is not maintainable against respondents. We are of the view that the judicial pronouncements referred by the counsel for the appellants with regard to maintainability of the writ petition are not of any help to the appellants. The judgments in ***K.K. Saxena; Secretary, Haryana State Electricity Board and Ravneet Kaur’s*** case were delivered by the Hon’ble Supreme Court and High Court in totally different context and are not relating to employment of outsourced employees. The reliance placed by the appellants in ***Narinder Singh Ahuja’s*** case is also misplaced as in the said case, petitioners were aggrieved by non-extension of their contractual appointment. It is not out of place to note that the Hon’ble Apex Court in ***Yogesh Mahajan vs. Prof. R.C. Deka, Director All India Institute of Medical Sciences, SLP Nos. 22475-22476 of 2012*** decided on **31.01.2018** has clearly observed that it is settled law that no contract employee has a right to have his or her contract renewed from time to time. It is also to be noted that Hon’ble Supreme Court in ***State of Karnataka vs. Uma Devi, 2006(4) SCC 1***, deprecated the tendency of the Government and its departments regarding all types of irregular appointments being made by them without following the due procedure under the rules.*

In the light of the above, we do not find it a fit case to interfere in the impugned order passed by the learned Single

Judge and letter (Annexure P-5). Consequently, the appeal is hereby dismissed being devoid of merits. Pending application (if any), also shall stands disposed of.”

9. Keeping in view the above, we do not find any reasonable ground as such to interfere with the order of the learned Single Judge, more so, keeping in view that liberty has been given to the appellant to avail his alternative remedy in accordance with law also, since disputed questions as such would arise which would have to be decided by calling upon the record and examining whether there was any violation of any statutory provisions keeping in view the length of service and also being the principal employer.
10. Accordingly, the present letters patent appeal stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

08.04.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No