

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

110

LPA-1353-2023 (O&M)
Decided on 08.01.2024

Mohit and Another

... Appellants

Versus

State of Haryana and Others

... Respondents

CORAM: HON’BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON’BLE MR.JUSTICE AMAN CHAUDHARY

Present: Mr. Arvind Seth, Advocate for the appellants

Mr.Deepak Balyan, Additional AG, Haryana

AMAN CHAUDHARY, J.

CM-3458-LPA-2023

For the reasons stated in the applications, delay of 78 days in
refiling the appeal is hereby condoned, subject to all just exceptions.

Application stands allowed, accordingly.

Main Appeal

1. Instant Letters Patent Appeal has been filed to challenge the judgment dated 13.04.2023 passed by the learned Single Judge, vide which the writ petition filed by the appellants was disposed of.
2. Learned counsel contends that the appellants were engaged against sanctioned post after taking interviews and they having fulfilled the qualification and they were granted extension after their initial contract period of one year but were replaced without following the principle of ‘last come first

go' and without giving any notice and opportunity of hearing. The writ petition being maintainable, a finding to the contrary has been returned.

3. On the other hand, learned State counsel submits that the learned Single Judge has rightly dismissed the writ petition, as the same was not maintainable, the appellants having been appointed through Outsourcing agency.

4. Heard the learned counsel on either side.

5. Indubitably, the appellants had been employed under the Outsourcing Policy Part II dated 06.04.2015 with a stipulation that said engagement would be for a period of one year or till regularly selected candidates are not available. Even if for the sake of arguments, the writ petition is said to be maintainable, it is not a case of the appellants that they were replaced by a similar set of employees, restraining of which they had sought in the writ petition. The Haryana Staff Selection Commission through a regular process undertaken by it, selected candidates joined the posts, occupied by the appellants on purely contractual basis, consequent to them being relieved. The action of the respondent cannot be in any way termed as arbitrary.

6. Trite it is to say that there was no vested right that was created in favour of the appellants for continuation once the sanctioned posts were filled in accordance with rules and procedure. Mere fact of having continued for more than a year as stipulated at the time of their joining would not *ipso facto* tilt even equity in their favour, inasmuch as there was an additional covenant of paving the way for regular incumbents upon their selection. In **Yogesh Mahajan vs. AIIMS**, (2018) 3 SCC 218, the Hon'ble Supreme Court held that, it is settled law that no contract employee has a right to have his or her contract renewed from time to time.

7. In wake of the above, the present appeal being sans merit, is hereby dismissed.
8. Pending applications, if any, shall be rendered as disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

08.01.2024
gsv/ashok

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO