

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

105

**2024:PHHC:003841
CWP No. 28670 of 2018(O&M)
Date of Decision:12.01.2024**

Deepak Singh and others

....Petitioners

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Munish Puri, Advocate
for the petitioner

Ms. Gehna Vaishnevi, Central Govt. Counsel
for the Union of India

Ms. Priyanka Malik, Advocate
for respondent No. 3

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 permit the petitioners to continue in service in accordance with Standard Operating Procedure.

2. The present petition has been filed by 17 petitioners and as stated by counsel for the petitioners, 11 of them have already expired or left the respondent-organisation. There are 6 petitioners i.e. petitioners No. 1, 5, 7, 9, 14 and 15 who are presently working with respondent-organisation on contract basis. They are working with respondent-organisation for more than 20 years and in some cases 30 years.

3. Counsel for the petitioners submits that case of the petitioners is squarely covered by order dated 12.12.2023 passed by this Court in CWP No. 17666 of 2023.

4. Counsel for respondents expressed their inability to controvert applicability of aforesaid order to the facts of the present case.

5. This Court vide order dated 12.12.2023 passed in CWP No. 17666 of 2023 has decided a bunch of petitions of identically placed employees. The relevant extracts of the order dated 12.12.2023 reads as:-

“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.

*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.*

*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 petition stands disposed of in the same terms.

(JAGMOHAN BANSAL)
JUDGE

12.01.2024
paramjit

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