

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

(228)

CWP-27540-2019

Date of Decision : January 10, 2024

Rishi Ram and others**.. Petitioners****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Sharma, Advocate, for the petitioners.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Mr. Jatin Kaushal, Advocate, for

Mr. Arvind Seth, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioners is that Haryana Shahari Vikas Pradhikaran Limited has no role to play with regard to the working of the petitioners, who are working on contract basis as Patwari as the petitioners were appointed in the Urban State Department and only the Urban Estate Department being the employer, has a right to impose conditions on the working of the petitioners.

2. The reply has been filed by the respondents wherein, it has been submitted that though the petitioners are working in the Department of Urban Estate but the salary of the petitioners is being paid by the Haryana Shahari Vikas Pradhikaran Limited through Zonal administrator and further, extension and approval of the services of the petitioners is to be granted

only by the Haryana Shahari Vikas Pradhikaran Limited only, which fact is clear from the approval granted from the period 2017 .

3. There is no replication to the written statement.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The only contention being raised by the learned counsel for the petitioners is that no direction with regard to holding of any test by the Haryana Shahari Vikas Pradhikaran Limited can be passed, cannot be accepted for the reason that it has already come on record that the salary of the petitioners is being paid by the Haryana Shahari Vikas Pradhikaran Limited. Further, even the approval for the continuance of the petitioners in service is also granted by the said authority. Once, the said fact has gone unrebutted, the appointing/approving authority of the petitioners to continue in service remains with Haryana Shahari Vikas Pradhikaran Limited. That being the factual position, the said authority will be within its jurisdiction to hold the test for the continuation of the petitioners.

6. It may be noticed that the impugned notice has not been implemented keeping in view the interim order passed by the Court and the petitioners are continuing in service.

7. Let the respondents decide afresh whether keeping in view the service which the petitioners have rendered, any fresh test of the petitioners needs to be taken so as to allow them to continue in service on contractual basis or not. If the authorities under the Haryana Shahari Vikas Pradhikaran Limited decide that for continuation of service and to assess the capabilities of the petitioners, the test needs to be taken, they will be well within their jurisdiction to do so.

8. No ground is made out for any interference by this Court in the facts and circumstances of the present case.
9. Dismissed.

January 10, 2024harsha(HARSIMRAN SINGH SETHI)JUDGE

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