



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

CWP-1769-2016 (O & M)

Date of Decision: 04.07.2025

Rohtash and others

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. K.S. Derabassi, Advocate,
for the petitioners.

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Archana Chauhan, Advocate,
for respondent Nos.2 and 3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226 and 227 of the Constitution of India are seeking setting aside of advertisement dated 15.12.2015 (Annexure P-5) whereby respondent has invited applications for engaging 37 Sweepers on contractual basis.
2. The petitioners before December' 2015 were working with respondent as Sweepers. The respondent relieved them and issued advertisement dated 15.12.2015 inviting applications for engaging 37 Sweepers under outsource policy.
3. On 28.01.2016, the following order was passed:-

“Learned counsel for the petitioner states that the petitioners were appointed on contractual basis in Municipal Committee, Pehowa, on the post of Sweepers



and as per agreement dated 07.08.2015 (Annexure P-6), their contract has been extended to six months. An advertisement dated 15.12.2015 has been issued vide Annexure P-5, for employing 37 Sweepers on contract basis, by terminating the services of the present petitioners. The permanent posts are extended and the petitioners cannot be replaced by the another employees.

Notice of motion for 26.05.2016.

In the meantime, the petitioners shall not be replaced by another set of contractual employees.”

4. Mr. K.S. Derabassi, learned counsel for the petitioners submits that despite interim order dated 28.01.2016, the petitioners were relieved and another set of employees was engaged. The act of respondent amounts to violation of orders of this Court apart from principle that one set of contractual employees cannot be replaced by another set of contractual employees.

5. Learned counsel for the respondent Nos.2 and 3 submits that petitioners were relieved prior to passing of interim order dated 28.01.2016. Thus, there is no violation of aforesaid order on the part of respondents. The petitioners have already been replaced by another set of employees as per outsource policy of the State Government.

6. The petitioners were relieved in 2015 and a period of almost 10 years has passed away. The respondent has already engaged another set of employees. Any order of this Court at this stage would adversely affect status of employees who at present are working. The petitioners were working as contractual employees. They were not engaged



through regular selection process. They had no fundamental or vested right to claim continuation in service.

6. In the wake of aforesaid facts, the petition stands dismissed. However, it is clarified that this order would not inhibit the respondent from engaging the petitioners, if need arises.

04.07.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No