



CWP-12845-2020

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

CWP-12845-2020

Date of decision: 16.01.2026

PARMINDER SINGH AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunny K. Singla, Advocate
for the petitioners.

Mr. Vikas Arora, DAG, Punjab with
Ms. Pratiksha Sharma, Law Officer,
Department of Local Bodies.

Ms. Shruti Sharma, Advocate for
Mr. G.S. Dhaliwal, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR, J (Oral):

1. The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *Mandamus* directing the respondents to continue the petitioners on their respective post, till the appointment of regular incumbents, in terms of judgments passed by this Court in numerous cases including *Manjit Singh and others Versus CAT and others 2007(3) SCT 155, Sangeeta Sharma Versus Union Territory of Chandigarh and others 2005(3) SLR 775 and Harminder Kaur and others Versus Union of India and others 2005 (7) SLR 626*.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners have been serving since the year 2013 on various posts as



mentioned in paragraph No.2 of the petition. The primary grievance of the petitioners is the apprehension that the respondents may terminate their services by replacing the present contractual appointees (petitioners) by another set of fresh contractual appointees. As per the settled law, the respondents cannot replace the existing contractual employees by another set of contractual employees, as laid down by the Hon'ble Apex Court in ***Hargurpratap Singh Vs. State of Punjab and others (2007) 13 SCC 292.***

Learned counsel for the petitioners also relied upon the judgment of this Court rendered in CWP-11978-2007 titled as ***Ashok Kumar and others Vs. State of Haryana and others.***

3. *Per contra*, learned counsel for respondents No.2 and 3 is not in a position to distinguish the case of the petitioners in the ***Hargurpratap Singh's case (supra)*** and ***Ashok Kumar's case (supra)*** from the petitioners in the present case. Learned counsel for respondents No.2 and 3 further submits that the petitioners are not under their direct control. Rather, they are out-sourced employees. However, she could not controvert the fact that the petitioners are performing perennial work at par with the regular counterparts and similar work is being extracted from the petitioners.

4. However, learned State counsel submits that some of the petitioners have already abandoned their jobs and as such, they are not entitled to the protection of the judgment of the Hon'ble Apex Court in ***Hargurpratap Singh's case (supra)***. This Court, while issuing notice of motion, being *prima facie* satisfied with the arguments of learned counsel for the petitioners had granted interim protection and the respondents were directed not to replace the petitioners with another set of employees.

5. In view of the above judgment ***Hargurpratap Singh's case***

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(*supra*) the present petition is disposed of with directions to respondents No.2 and 3 not to replace the petitioners who are still serving with another set of contractual employees. However, those petitioners who have already abandoned their jobs are not entitled to the benefit of the directions issued by this Court.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

16.01.2026

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| 1. Whether speaking/ reasoned : | Yes /No |
| 2. Whether reportable : | Yes /No |