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

Date of decision: 04.09.2025

1. CWP-23754-2017 (O&M)

Ravinder

... Petitioner

Vs.

Municipal Corporation, Faridabad and others

... Respondents

2. CWP-25534-2017 (O&M)

Heena Bhatia

... Petitioner

Vs.

Municipal Corporation, Faridabad and another

... Respondents

3. CWP-25837-2017 (O&M)

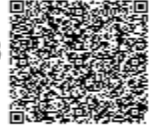
Diwakar

... Petitioner

Vs.

Municipal Corporation, Faridabad and others

... Respondents



4. CWP-27782-2017 (O&M)

Puneet Tyagi

... Petitioner

Vs.

Municipal Corporation, Faridabad and another

... Respondents

5. CWP-29161-2017 (O&M)

Arif Khan @ Arif Hussain

... Petitioner

Vs.

Municipal Corporation, Faridabad and another

... Respondents

6. CWP-29194-2017 (O&M)

Parvez Aalam Khan

... Petitioner

Vs.

Municipal Corporation, Faridabad and others

... Respondents

7. CWP-29671-2017 (O&M)

Sunil Kumar and others

... Petitioners

Vs.

Municipal Corporation, Faridabad and others

... Respondents



8. CWP-28942-2017 (O&M)

Ajit Singh

... Petitioner

Vs.

Municipal Corporation, Faridabad and others

... Respondents

9. CWP-29745-2017 (O&M)

Rahul Tewatiya

... Petitioner

Vs.

Municipal Corporation, Faridabad and another

... Respondents

10. CWP-29899-2017 (O&M)

Shiv Kumar and others

... Petitioners

Vs.

Municipal Corporation, Faridabad and others

... Respondents

11. CWP-29913-2017 (O&M)

Chetan

... Petitioner

Vs.

Municipal Corporation, Faridabad and others

... Respondents



12. CWP-29981-2017 (O&M)

Prashant Kumar and others

... Petitioners

Vs.

Municipal Corporation, Faridabad and another

... Respondents

13. CWP-29989-2017 (O&M)

Anjali Singh

... Petitioner

Vs.

Municipal Corporation, Faridabad and another

... Respondents

14. CWP-30058-2017 (O&M)

Parveen Sharma

... Petitioner

Vs.

Municipal Corporation, Faridabad and others

... Respondents

15. CWP-30059-2017 (O&M)

Nikhil Sharma

... Petitioner

Vs.

Municipal Corporation, Faridabad and others

... Respondents



16. CWP-30071-2017 (O&M)

Suman and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Randhawa, Advocate,
Ms. Tarranum Madan, Advocate,
Ms. Jayaditya Gupta, Advocate
for the petitioner(s)
(in CWP-23754, 25534, 25837, 27782, 29161, 29194, 29671, 28942,
29745, 29899, 29913, 29981, 29989, 30058 & 30059-2017).

Ms. Rahish Pawa, Advocate
for the petitioners (in CWP-30071-2017).

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. Sourabh Goel, Advocate,
Ms. Samridhi Jain, Advocate,
Ms. Anju Bansal, Advocate
for respondents No.1 & 2
(in CWP-23754, 25837, 29194, 29899, 30058 & 30059-2017),
for the respondents (in CWP-25534, 27782 & 29161-2017),
for respondent No.3 (in CWP-30071-2017).

Mr. Prateek Mahajan, Advocate and
Ms. Purna Malhotra, Advocate
for respondents No.1 & 2
(in CWP-29671, 28942, 29913 & 29981-2017),
for the respondents (in CWP-29745 & 29989-2017).

HARPREET SINGH BRAR, J. (ORAL)

1. Vide this judgment, this Court shall dispose of aforementioned



all 16 writ petitions, as these are identical on facts and grievance of the petitioners is common. However, for the sake of brevity, the facts are culled out from **CWP-23754-2017**.

2. **CWP-30071-2017** has been preferred under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside the office order dated 13.12.2017 issued by respondent No.3 to heads of various departments to complete all the formalities of inviting tender for outsourcing the services on or before 31.12.2017 in order to make the contract effective from 01.01.2018 in view of outsourcing policy dated 06.04.2015 issued by the Government and further for issuance of a writ in the nature of *mandamus* directing the respondents not to dispense with services of the petitioners, as their appointment was made against duly sanctioned post. While, in **CWP-23754, 25534, 25837, 27782, 29161, 29194, 29671, 28942, 29745, 29899, 29913, 29981, 29989, 30058 & 30059-2017**, filed under Articles 226/227 of the Constitution of India, a prayer has been made for issuance of a writ in the nature of *mandamus* restraining the respondents from dispensing with services of the petitioners till the time regular appointments are made for the posts occupied by them and from replacing them with other contractual employees and further to issue a writ in the nature of *certiorari* seeking quashing of the letter dated 23.08.2017, vide which services of the petitioners were ordered to be terminated and process for recruitment of fresh



contractual employees through e-tendering was initiated and also to regularize the services of the petitioners in terms of the notification dated 18.06.2014.

3. Briefly, the facts are that the petitioner was selected to the post of Junior Engineer with respondent No.1-Municipal Corporation, Faridabad in pursuance of advertisement published in this regard, as discernible from letter dated 23.01.2012 (Annexure P-1). The post was contractual in nature and the recruitment was made through respondent No.3-Jai Bala Ji Security Services, New Delhi. A posting letter dated 23.01.2012 (Annexure P-2) was also issued to the petitioner, whereby he was stationed in Ward No.27. Further, the services of the petitioner were extended from time to time as reflected by orders dated 24.07.2012, 26.03.2013, 26.11.2013 (Annexure P-4 colly). On 23.01.2014, further extension of the services of the petitioner was made, however, through a different agency i.e. respondent No.4-R.B. Enterprises and Security Services, Faridabad. Subsequently, the petitioner was also transferred vide order dated 03.07.2015 (Annexure P-11). As depicted by the attendance report till 31.08.2017, the services of the petitioner were extended regularly. Vide letter dated 23.08.2017(Annexure P-14), the services of contractual employees were ordered to be continued till 30.09.2017 and thereafter, they were to be replaced by a new set of contractual employees by e-tendering process. Hence, the present petition.

4. Learned counsel for the petitioners, *inter alia*, contends that

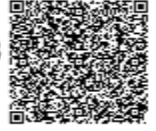


petitioner Ravinder in CWP-23754-2017 was duly selected on the post of Junior Engineer through a transparent process that was initiated by publication of an advertisement by the respondent-Corporation. The appointment of the petitioner was made through respondent No.3-agency in terms of outsourcing policy notified by Government of Haryana vide memo No.MCF/S-I/2017/1959 dated 23.08.2017 and some of the petitioners in connected writ petitions have joined as Data Entry Operators, Peons, Clerks, etc. Initially, the petitioner was appointed on contractual basis for a period of six months at a fixed monthly remuneration vide engagement letter dated 23.01.2012 (Annexure P-1), however, his tenure was extended from time to time.

5. Learned counsel further submit that the respondent-Corporation is seeking to replace current contractual employees with a new set of contractual employees, which is arbitrary in nature. The petitioner is being forced to undergo a selection process for the post, on which he has been serving the respondent-Corporation for the last 05 years over and over again. Further, similarly situated employees, who were appointed through outsourcing agencies, approached this Court by filing a petition i.e. **CWP No.7302 of 2013**, titled as *Vir Singh Vs. Municipal Corporation, Faridabad and others*, which was disposed of vide order dated 05.07.2018 with a direction that the petitioner therein would not be replaced by another



contractual employee. Further still, the petitioners approached this Court, when the respondents had initiated the process to replace the petitioners with another set of contractual employees and this Court, being *prima facie* satisfied with the claim made by them, granted *status quo* in their favour and till date, they are serving the respondent-Corporation without any break and their work and conduct throughout their service remained satisfactory. He has relied upon the judgment of ***Shiv Kumar and another Vs. State of Haryana and others***, passed in CWP No.17441 of 2013 and submits that identical issue was considered by this Court and it has been held that the engagement of manpower on contractual basis in the light of outsourcing policy framed by the Government would not entitle the State Government to replace the contractual employees with another set of contractual employees in terms of ***Hargurpratap Singh Vs. State of Punjab, 2007(13) SCC 292***. The very objection of the respondent-Corporation taken in the present petition is with regard to non-existence of relationship of the employer and employee between the petitioner and the respondent-Corporation, has been dealt with by this Court in ***Shiv Kumar***'s case (*supra*) and the contention raised on behalf of the respondent-Corporation was specifically rejected. It is further contended that the State of Haryana has implemented The Haryana Contractual Employees (Security of Service) Act, 2024 (for short 'Act of 2024').



5. Learned counsel for respondents No.1 & 2-Municipal Corporation, Faridabad could not controvert the contentions raised by the petitioners with regard to their cases being squarely covered by the Act of 2024.

6. Mr. Sourabh Goel, Advocate and Mr. Prateek Mahajan, Advocate, appearing on behalf of Municipal Corporation, Faridabad, in their respective cases, as mentioned above, submits that some of the petitioners have left the job and after creation of Haryana Kaushal Rojgar Nigam Limited (HKRNL), services of the petitioners were covered under the Act of 2024. In case, the petitioners are found eligible to be considered under the Act of 2024, their individual case(s) would be examined and appropriate orders shall be passed within a period of three months.

7. In view of the above, learned counsel for the petitioner(s) submit that present petitions can be disposed of in terms of the statement made by learned counsel appearing on behalf of Municipal Corporation, Faridabad.

8. In terms of the relief granted in *Shiv Kumar's* case (*supra*), the impugned letter dated 23.08.2017, dispensing with services of the petitioners and initiation of process for recruitment of fresh contractual employees through e-tendering and the impugned office order dated 13.12.2017, are hereby set aside. The respondents are directed not to replace the present petitioners by another/new set of contractual employees. Further, respondents



No.1 & 2 are directed to consider each individual case of the petitioner in all the writ petitions and pass fresh orders in terms of the Act of 2024 within a period of three months from the date of receipt of certified copy of this order.

9. Further, the decision taken by the respondent authorities shall be conveyed to the petitioner(s).

10. All the pending miscellaneous application(s), if any, shall stand disposed of.

11. Photocopy of this order be placed on the files of connected cases.

04.09.2025
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**[HARPREET SINGH BRAR]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No