

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Misc. Stay application No. 1188/2021

In

S.B. Civil Writ Petition No. 20687/2019

Neeraj Meena S/o Shri Nanagram Meena

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Ashwinee Kumar Jaiman
For Respondent(s)	:	Mr. Ashish Joshi
		Ms. Devyani Rathore for
		Mr. Jaivardhan Singh Shekhawat

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

11/02/2021

The matter comes up on stay application.

Learned counsel for the petitioners submits that the petitioners are working on contract basis since 2009 to 2018 as mentioned in the Para 2 of the writ petition. Their work has been taken through placement agency, however, the principal employer is the respondent and the salary is being released from the respondents. Learned counsel submits that they mark their attendance in the attendance register and there is no complaint from any other person. However, now the respondents have discontinued them orally and the salary also has not been paid since March, 2020 whereafter the petitioners moved an application for releasing of salary and thereafter, the petitioners have been disallowed to work. Learned counsel submits that there is work available with the respondents and the respondents seek to get

the work done from other persons on contract basis. Learned counsel submits that the petitioners cannot be replaced by another set of contractual employees till regular selections are made, the petitioners ought to be allowed to continue.

Learned counsel appearing for the respondents have filed the reply and submits that the petitioners are working as employees of the Service Provider Agency. The attendance of the petitioners were recorded with the purpose of knowing their number of days, the petitioners have discharged their duties. It is not denied that the petitioners have been working since 2009 to 2018 as mentioned in Para 2 of the writ petition. It is also not denied that the work is available with the respondents.

In the opinion of this court, *prima facie*, merely because the petitioners have been appointed through placement agency, the petitioners cannot be said to be not working with the respondents and they cannot be replaced by another set of contractual employees.

Accordingly, the stay application is allowed. The petitioners shall be allowed to perform their duties and shall not be replaced by another set of contractual employees from any other source till regular selections are made.

(SANJEEV PRAKASH SHARMA),J