

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C.) No. 11243/2009**

% **Date of Decision: 28th August, 2009**

SHRI SATYA NARAYAN SHARMA PETITIONER

! Through: Mr. Anuj Aggarwal, Advocate.

VERSUS

\$ DELHI COLLEGE OF ENGINEERING RESPONDENT

^ Through: Ms. Avnish Ahlawat, Advocate.

CORAM:

Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **NO**
2. To be referred to the reporter or not? **NO**
3. Whether the judgment should be reported in the Digest? **NO**

S.N.AGGARWAL, J (ORAL)

The workman in this writ petition seeks to challenge an industrial award dated 12.04.2005 passed by the Industrial Adjudicator by which no relief has been granted to him for alleged termination of his services by the respondent college w.e.f. 30.04.1998.

2. Heard.

3. Briefly stated the facts of the case relevant for the disposal of this writ petition are that the petitioner was appointed by the respondent college as a daily wager to work as Cleaner/Library Attendant intermittently during the period from 01.10.1996 to 30.04.1998. His appointment in 1996 was for 58 days; in 1997, for 146 days and in 1998, for 50 days. The petitioner admittedly did not have 240 days of

continuous service in the year preceding the date of his alleged termination and, therefore, the provisions of Section 25(F) which deal with retrenchment, are not applicable to him. The appointment of the petitioner with the respondent college was not made after following a selection process provided for filling up of vacant posts as per the rules applicable to the respondent college. No advertisement for filling up of posts was given, no interview was held. The appointment of the petitioner was, in fact, a back-door entry. The petitioner even did not prove before the Tribunal that the respondent had retained any person in service junior to him.

4. There are any number of judgments of the Hon'ble Supreme Court where it is held that a daily wager has no legal right to ask for his regularisation or reinstatement. Reference is made to a recent judgment of the Hon'ble Supreme Court in ***Jagbir Singh Vs. Haryana State Agriculture Marketing Board and Another; Civil Appeal No. 4334/2009 arising out of S.L.P. 987/2009.***

5. In view of the above, I do not find any illegality or perversity in the impugned award that may call for an interference by this Court in exercise of its extraordinary discretionary writ jurisdiction under Article 226 of the Constitution of India. This writ petition, therefore, fails and is hereby dismissed in limine.

AUGUST 28, 2009
'bsr'

S.N.AGGARWAL, J