

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

Civil Writ Petition No. 20364 of 2015 (O&M)

Date of decision : November 06, 2015

Gopal Singh Soni

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Divya Sharma, Advocate
for the petitioner.

Mr. Ashish Sharma, Addl. AG, Punjab.

Mr. K.K. Gupta, Advocate
for respondent No. 3.

LISA GILL, J.

C.M. No. 14277 of 2015

Prayer is for placing on record rejoinder to the written statement filed on behalf of respondent No. 3 alongwith Annexures P-8 to P-10. Same is taken on record subject to just exceptions. Filing of certified copies of Annexures P-8 to P-10 is exempted.

Application is disposed of.

Civil Writ Petition No. 20364 of 2015

Prayer in this writ petition is for restraining the respondents from dispensing with services of the petitioner working as Laboratory Technician with respondents No. 3 and 4 and with further direction not to relieve him from service till regular

appointments are made to the said posts.

It is submitted that the petitioner was appointed to the post of Laboratory Technician on 30.08.2011 after participating in a proper selection procedure. Advertisement No. NT-06(2011) was published, pursuant to which petitioner applied and he was called for interview for the post of Technical Assistant. However, letter of appointment (Annexure P-3) issued to the petitioner was for Laboratory Technician on temporary and contractual basis. Petitioner underwent medical fitness test and joined duty as Laboratory Technician on 30.08.2011. Extension of service was afforded vide letter dated 30.08.2012 (Annexure P-4) for a further period of six months. He continued to work on the said post being afforded subsequent extensions for periods of six and three months till 27.09.2015.

Respondent-University issued a notice inviting tenders for outsourcing of multi task services. Bid of respondent No. 5 – M/s Ranker Security Service Private Limited was accepted by the respondent-University. Petitioner apprehending that further extension would not be afforded to him as he was orally informed that all appointments would be made through the Contractor in future, preferred the present writ petition. Specific prayer in the writ petition is that he should not be replaced by another person on contractual basis itself. Notice of motion was issued to the respondents on this ground.

Mr. Gupta, learned counsel for respondent No. 3 submits that Recruitment Rules namely Cadre Recruitment Rules (Non

Teaching Employees), 2015 have been promulgated and University Grants Commission (UGC) has afforded approval to the said rules during the pendency of the present writ petition, therefore, no employee is being appointed on contract basis any longer. Advertisement dated 03.11.2015 has already been issued for filling up available sanctioned vacant posts. In this view of the matter, no right whatsoever accrues to the petitioner.

In view of the subsequent development as pointed out by learned counsel for respondent No. 3, it is apparent that petitioner is not entitled to any indulgence. There is no vested right with an employee appointed on contractual basis to continue on the said post in the wake of the respondent-department proceeding to fill vacancies on regular basis. Petitioner has no right to continue on the said post after expiry of his tenure as per extension given to him.

At this stage, learned counsel for the petitioner submits that petitioner will suffer extreme prejudice inasmuch as he would not be able to apply for the relevant post of Technical Assistant pursuant to advertisement dated 03.11.2015 as the petitioner has become over age. At the time of initial appointment after proper selection in the year 2011, he was within age limit specified, therefore, relaxation be afforded to him on this count.

Mr. Gupta, while referring to Rule 26 of the above said Rules submits that no such relaxation is permissible in such a case. Rule 26 affords relaxation only as under:-

26. Power to Relax:

- (i) Relaxation in age and experience etc. may be granted to the candidates belonging to the Schedule

Caste/Schedule Tribes/OBC/PWD or other reserved categories as per the UGC/Govt. of India guidelines. A certificate to this effect issued from the competent authority should be attached with the prescribed application form. Wherever, relaxation of qualification including percentage of marks is permitted under the UGC/Govt. of India guidelines, such relaxation shall also be considered in appropriate cases subject to recommendations of the Screening Committee.

(ii) In addition to above, the relaxation in age shall also be given in respect of the following categories as mentioned against each:-

S. No.	Categories of persons	Extent of age relaxation
1.	Employees of Central University of Punjab	As per GOI rules
2.	Employees of Central Government/State Government/Central Universities/UGC maintained Deemed Universities/ Govt./Govt.-aided College/other Central autonomous bodies/organisations/Institutions /Public Sector Undertakings	Relaxation as per Govt. of India norms.

Rules, norms and guidelines of Government of India or UGC regarding relaxation of age have been not produced before this Court though it is submitted by learned counsel for the respondent that no relaxation in age is permissible to the petitioner.

There being no dispute regarding the petitioner being within the specified age limit at the time of his induction in 2011, it is considered just and expedient to direct the respondents to afford relaxation in age if he applies pursuant to advertisement dated 03.11.2015. It is clarified that no benefit whatsoever apart from

relaxation of age is being directed by this Court and in case petitioner applies in response to the said advertisement he shall be considered for appointment in accordance with all other rules, regulations and provisions of law.

Present writ petition is, accordingly, disposed of.

November 06, 2015
rts

(Lisa Gill)
Judge