

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

CWP No.2065 of 2015

Date of decision : May 01, 2015

Shalu Devi and others

..... Petitioners

versus

Panjab University and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Pankaj Katia, Advocate, for the petitioners.

Mr. Harit Sharma, Advocate, for the respondents.

DEEPAK SIBAL, J.

The sequence of events leading to the filing of the present writ petition are that on 02.05.2011, the petitioners were appointed as Clerks in the respondent-Panjab University, Chandigarh (hereinafter referred to as the 'University') on daily wage basis. After about a month i.e. in June 2011, they were relieved from service. In September 2011, they were again appointed on the same terms and they continued to serve the respondent-University till February 2013 when they were relieved, on the joining of Clerks on regular basis. However, on April 13, 2013, the petitioners were again appointed as Clerks on daily wage basis but were relieved after two months i.e. on 13.06.2013. Thereafter, in February 2014, in pursuance to an advertisement, the petitioners applied

for being appointed as Clerks on contractual basis but they did not qualify. In January 2015, the respondent-University issued another advertisement for filling up posts of Clerks on contract basis.

Challenging the advertisement got published by the respondent-University in January 2015 (Annexure P-7), the petitioners have approached this Court through the present writ petition. After seeking quashing of the impugned advertisement, the petitioners further pray that thereof may be appointment against the available vacancies.

I have heard learned counsel for the parties and with their able assistance have gone through the record of the case.

After intermittent spells of having worked as Clerks on daily wage basis, on the joining of regular incumbents, the petitioners were relieved in February 2013. The petitioners again served the respondent-University for two months i.e. 13.04.2013 to 13.06.2013. At the time when the petitioners were relieved on 13.06.2013, they did not challenge their relieving. Thereafter, in February 2014, when the respondent-University advertised for filling up of posts of Clerks on contract basis, the petitioners did not even challenge that action on the part of the respondent-University. Rather, they took part in the same but having not qualified the written test they were not appointed. The next advertisement for appointing Clerks, on contract basis, is the impugned advertisement issued in January 2015. In pursuance to this advertisement also, it is admitted case that petitioners No.1 and 2 have applied and in fact petitioner No.1 even has sat in the written test which was the basis for such selection. It may further be noticed that after being relieved in June 2013, till date, there has been a gap of about two years in the

service of the petitioners. Thus, the petitioners cannot be granted the reliefs prayed for by them.

Learned counsel for the petitioners has alleged discrimination. He has stated that juniors to the petitioners have retained in preference to the petitioners.

After going through the contents of the writ petition, I find the plea of discrimination to be utterly vague. Even otherwise, the un rebutted stand of the respondent-University is that to relieve the contractual/daily wage employees, they are following the principles of 'first come and last go', which is I find to be legally acceptable.

Learned counsel for the petitioners has cited two judgments of this Court in 'Surinder Singh versus State of Haryana', 2003(2) S.C.T. 124 as well as 'Sangeeta Sharma versus Union Territory of Chandigarh and others', 2005(3) S.C.T. 274.

I have gone through the above judgments and find that the same are not applicable in the facts of the case in the case in hand. The facts of the case in hand reveal that the petitioners were relieved in 2013 i.e. about two years ago and in the interregnum period in February 2014, there was another selection which has taken place in which the petitioners participated but remained unsuccessful. Further, for the last about two years the petitioners have been out of the service of the respondent-University. Qua the impugned advertisement also, two of the petitioners applied and one of them even gave the written test. Thus, the facts of the judgment cited above by the learned counsel for the petitioners are different from the facts of the case in hand.

In view of the above, finding no merit in the present writ petition, the same is ordered to be dismissed.

(DEEPAK SIBAL)
JUDGE

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