

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

1. Civil Writ Petition No. 24626 of 2013

DATE OF DECISION : May 12, 2015

Sukhjinder Singh

..... PETITIONER(S)

VERSUS

State of Punjab & anr.

.... RESPONDENT(S)

2. Civil Writ Petition No. 15764 of 2013

DATE OF DECISION : May 12, 2015

Pargatjit Singh

..... PETITIONER(S)

VERSUS

State of Punjab & anr.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

**Present: Ms. Sonia G. Singh, Advocate, for the petitioner.
Mr. Pankaj Mulwani, Deputy Advocate General, Punjab.**

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1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO
2. To be referred to the Reporter or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

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ARUN PALLI, J. (Oral)

This order shall dispose of Civil Writ Petitions No.24626 and 15764, both of 2013.

Facts are being culled out from CWP-24626-2013.

A writ in the nature of mandamus is prayed for, so as to direct the respondents to fix the seniority of the petitioner by considering the service he had rendered on contract basis, in terms of appointment letter dated 27.09.2008 (Annexure P-1), followed by regular employment.

Concededly, petitioner applied against the post of Punjabi Master, pursuant to an advertisement issued by the Department of Education, on contract basis. He was selected and appointed vide order dated 27.09.2008 (Annexure P-1), subject to the terms and conditions set out therein. The petitioner joined on 30.10.2008. Condition No.1 of his letter of appointment postulates that his appointment was purely temporary and on contracts basis for a period of one year and on a fixed remuneration of ₹5400/- per month. Further, the period of contract could be extended up to 3-1/2 years, subject to the performance of the petitioner. On completion of the

contractual period, in terms of the policy decision of the Government, services of the petitioner were regularised with effect from 01.04.2011, vide order dated 14.05.2011. In short, all what the petitioner has prayed for is that the services rendered by him pursuant to his contractual employment be counted towards seniority and promotion. Clause 21 of the contract of employment clearly stipulates that if out of 3-1/2 years of contractual service, petitioner had served for two years in a rural/border/bet or mand area and rendered satisfactory service, he could be considered for a minimum scale of ₹5400-160-5800-200-7000-220-8100-275-8925 (as amended from time to time) of Masters/Mistress. Indisputably, since the petitioner satisfied both the conditions, he was afforded the minimum scale and his services were regularised. An analysis of the contract of employment (Annexure P-1), does not even remotely indicate that the service rendered by the petitioner, purely on contract basis, could be reckoned for the purpose of seniority, post his regularisation.

This is precisely the stand set out in the written statement filed by the State, which has not been controverted either by filing any counter affidavit or even otherwise during the course of hearing. Learned counsel for the petitioner could not point out any provision, rule, instruction or clause that promises counting of contractual service towards seniority, post regularisation of service of the petitioner.

In the wake of the position as set out above, no interference in exercise of extra ordinary jurisdiction under

Article 226 of the Constitution is warranted.

The petitions, being bereft of merit, are hereby dismissed.

MAY 12, 2015
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(ARUN PALLI)
JUDGE