

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 6935 of 2015
Date of Decision: April 20, 2015

Rajinder Singh Malik

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rajesh Hooda, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (Oral)

The petitioner has approached this Court by challenging the order dated 12.2.2015 (Annexure P-6) passed by respondent No.3 whereby the tenure of the petitioner as a member of Permanent Lok Adalat Public Utility Services Rohtak has not been extended, on the premise that there is a violation of Rule 4 of Permanent Lok Adlat (other Terms and Conditions of Appointment of Chairman and other Persons) Rules, 2003, inasmuch as the said rule provides that the term of Chairman and other persons of the Permanent Lok Adalat shall be for 5 years.

Mr. Rajesh Hooda, learned counsel appearing on behalf of the petitioner contends that since as per Rules the term of the office of the Member/Chairman of the Permanent Lok Adalat is

for 5 years and non-extension of the tenure of the petitioner is thus not sustainable, for, as per Rule 5 except as provision () of the said rule, in case the appointing authority was of the view that the tenure of the member is not to be continued it should be only done by holding an enquiry.

Vide order dated 12.2.2013 (Annexure P-1) on the recommendation of the Haryana State Legal Services Authority, the Governor of Haryana was pleased to nominate the petitioner along with other persons as Members of the Permanent Lok Adalat for a period of one year. The said tenure of the petitioner was extended on 18.2.2013 for another period of one year. The petitioner accepted the aforementioned terms and conditions whereby he was appointed as Member for a period of one year from time to time.

Similarly vide letter dated 2.4.2014 the tenure of the petitioner was extended w.e.f. 12.2.2014 for a period of one year, thus, it is evident that from time to time the tenure of the petitioner was extended and he was not appointed as per Rule 4 of 2003 Rules. The petitioner accepted the appointment made from time to time and did not challenge the same being unlawful.

The petitioner is stated to have directly approached the Hon'ble Supreme Court vide W.P.(C) No. 126 of 2015 and the Hon'ble Supreme Court vide order dated 23.3.2015 after noticing the contention made on behalf of the petitioner permitted the writ petition to be withdrawn by giving liberty to approach the concerned High Court. It is in this manner that the writ petition has been filed.

There is no legal right vested in the petitioner to

seek the extension. It is the prerogative of the Appointing Authority to extend the tenure of the Member of the Lok Adalat. Once the petitioner has accepted the appointment for a period of one year from time to time the petitioner cannot be permitted to raise the plea of alleged violation of rules. The question of law raised in the present writ petition also do not come to the aid of the petitioner, inasmuch as in the first appointment letter the tenure of the petitioner was mentioned as one year. Had the petitioner been appointed for a period of five years and in mid way his tenure was ended/or sought to an end the petitioner could have some grievance. The position in the present case is different. The non-extension of the tenure of the petitioner does not amount to violation of principles of natural justice as it is only an administrative order which has not pre judiced the right and interest of the petitioner.

There is no merit in the writ petition. The writ petition is accordingly dismissed.

(AMIT RAWAL)
JUDGE

April 20, 2015
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