

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1640 of 2014

Date of Decision:- 09.07.2015.

Baljeet Singh

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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?

Present: Mr. Suresh Kumar Kaushik, Advocate for the appellant.

Mr. Naveen Kaushik, Additional A.G. Haryana.

SURYA KANT, J. (ORAL)

1.) The appellant was statedly engaged as an extension Lecturer in History in the year 2013 for one academic session. In the next academic session, he was discontinued and respondent No.4 is said to have been engaged.

2.) The appellant questioned the above stated action before this Court, relying upon the decisions of Hon'ble Supreme Court and of this Court that contractual employees cannot be replaced by another similar arrangement. Learned Single Judge has turned down

the claim observing that the appellant's appointment cannot be said to be on contractual basis as no appointment letter was issued and there were no written terms and conditions agreed between the appellant and the official respondents.

3.) It may be mentioned that college lecturers are ordinarily appointed either on regular basis or on contract basis. However, with a view to tide over the situation that may temporarily arise on account of increased workload (or due to unforeseen reasons like long leave etc.), the respondents have issued a circular dated 05.06.2013 (P-1) permitting the Principals of Government Colleges to engage the extension Lecturers in the following manner:-

- 1. The extension lecturers may be arranged where ever the work load is not being covered by the existing faculty (workload be calculated as per instructions issued vide letter no 22/56-2010CI(1) dated 20.08.2010.*
- 2. A panel of 3-4 persons be made so that they may be called to deliver lecture as and when required.*
- 3. The persons on panel should be suitable/well qualified with regard to subject concerned. The candidate having higher qualification should be given preference while preparing the panel.*
- 4. One person should complete one semester to the extent possible.*

5. A person invited will be allowed to deliver lectures for maximum four periods per day/for six days a week, ensuring not more than 90 lectures in a month subject to a maximum payment of Rs.18000/- p.m.

6. For each lecture remuneration of Rs.200/- per lecture be given to the resource person out of A.F. on loan basis which will be reimbursed later on by the Head Office.

4.) The appellant was also engaged for one session in terms of the above stated policy. It cannot be treated as a contractual appointment of such a nature that he should be permitted to be replaced only by a regular incumbent.

5.) No case to interfere with the order passed by the learned Single Judge is made out.

6.) Dismissed.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

July 09, 2015.

sandeep sethi