

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1506 of 2015 (O&M)

Date of decision: December 18, 2015.

MANDIP SINGH

... **Appellant**

v.

STATE OF PUNJAB AND OTHERS

... **Respondents**

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

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Shri Neeraj Sharma, Advocate, for the appellant.

Hemant Gupta, J. (oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by a learned Single Bench of this Court on 7.4.2015 whereby in fact, the learned Single Bench allowed the writ petition to be dismissed as withdrawn with liberty to the appellant to avail remedy either before the Labour Court or before the Civil Court, as he may be advised.

It may be pointed out that the appellant sought review of the order dated 7.4.2015, which application was also declined on 14.5.2015.

Learned Counsel for the appellant has vehemently argued that the appellant has not authorized his counsel to withdraw the writ petition, therefore, the act of the counsel in withdrawing the writ petition is not tenable.

Firstly, it is an implied authority of an Advocate to withdraw the writ petition. No specific instructions are required for an Advocate to withdraw the writ petition. In view thereof, we do not find that withdrawal of the writ petition by the counsel was not authorized by the appellant.

Even otherwise, we have examined the contention raised on merits as well. The appellant was appointed on contract basis in June 1994 for a period of 17 months or till the execution of the project. Services of the appellant were to stand terminated on expiry of the period of employment or on completion of the project. Still further, the contract could be terminated by giving 15 days notice.

Since action has been taken in terms of the letter of appointment, mere fact that the appellant has worked for long number of years will not confer any indefeasible right in him to dispute the order of termination. It is not the case of the appellant that he was appointed after following the due procedure for employment meant for filling up of public posts.

In view thereof, we do not find any merit in the appeal.

Dismissed.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

December 18, 2015.
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