

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

**RSA No. 2622 of 2015 (O&M)
Date of decision: 06.11.2015**

Mahender Kumar

... Appellant

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Mani Ram Verma, Advocate for the appellant.

K.Kannan, J.

The appellant who was appointed on DC rates till regular appointment in Government Service was not permitted to continue in service after 3 months. The plaintiff issued notice complaining of the failure to permit him to employ but the suit was dismissed. There can be no complaint by a person seeking for an enforcement of a contract of service, which is barred by law under Section 15 of the Specific Relief Act. The known exceptions are (i) service which is protected under Article 311 of the Constitution, (ii) an appointment by a Corporation which is a creature of Statute or (iii) appointee who has a benefit of labour legislation to which the provisions of the ID Act are applicable, when the order of reinstatement could be made by the Labour Court. Any other person who seeks for continuance of appointment and complains of illegal termination can have only a remedy in damages and not suit for enforcement. The suit was rightly rejected and it would require no intervention.

The regular second appeal is dismissed with above observation.

**(K.KANNAN)
JUDGE**

06.11.2015

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