

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3377 of 2016 (O&M)

Date of Decision: 23.05.2016

Jaswinder Singh

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Jarnail Singh Saneta, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Article 227 of the Constitution of India for setting aside the order dated 30.3.2016, passed by learned Civil Judge (Junior Division), Ambala, whereby application, filed by the plaintiff under Order 39 Rules 1 & 2 CPC, was dismissed and vide order dated 25.4.2016, passed by learned Additional District Judge, Ambala, appeal was also dismissed.

Learned counsel for the petitioner mainly submitted that undisputedly, petitioner had been continuously working with the Gram Panchayat, though on temporary basis. But the action of the respondents

wages or contract bases, particularly when the posts are vacant sanctioned posts. The Courts below have completely ignored this fact. So, present petition be accepted and orders passed by the Courts below be set aside.

Having considered the submissions made by learned counsel for the parties and appraisal of the record, this Court is of the considered view that the facts are not disputed to the extent that petitioner was working as a daily wager. The Courts below have rightly observed that in such like employment, employer is always empowered to discontinue the services of a daily wager and re-engage as per requirement. Undisputedly, employer has not taken any action nor discontinued the services of petitioner nor any other employee has been appointed in his place. Admittedly, no appointment letter has been produced by the petitioner to seek any right on the basis of regular employment. The Courts below have rightly observed that in case of daily wager and casual worker, it is the prerogative of the respondent-employer to engage or re-engage or to continue or to discontinue the services of a daily wager according to requirement and suitability.

Consequently, present petition is without any merit and the same is hereby dismissed.

(Shekher Dhawan)
Judge

May 23, 2016
“DK”