

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

Date of decision: 05.09.2016

CWP No.600 of 1998

Jai Kumar

...Petitioner

Vs.

Haryana State Land Reclamation & Development Corporation Limited &
another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K.Malik, Senior Advocate, with
Ms. Rimple Kadyan, Advocate, for the petitioner.

Mr. Ajay Chauhan, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner was appointed as Junior Engineer on ad hoc basis in the respondent – Corporation on 24.01.1989. His services were terminated on 09.09.1997 on the ground that his services were no longer required. The truth of the matter appears to be redundancy. The petitioner had become redundant to the Organization. In the meanwhile, other classes of employees engaged on ad hoc basis like the petitioner but on different posts continued in service and were regularized in terms of the policies of the Government issued in 1993 & 1996, but those orders were passed after the petitioner's services were terminated by giving retrospective operation to the regularization of the others from the appointed day.

Mr. Malik, learned senior counsel, argues on the basis of hypothesis he builds of the premise that in case, the petitioner's services had

not been terminated in 1997, he would have continued in service till such time the class and category of other ad hoc employees were considered for regularization he may have been dealt with similarly. Though the argument seems attractive, but on due reflection is not acceptable as a legal principle to apply to the case of the petitioner for the reasons which follow. If the services of the petitioner were terminated in 1997 for good and sufficient cause then they have attained finality. If the termination is final, retro-active rights will not come alive merely because other employees continued in service till they were regularized. The admitted position is that no other Junior Engineer, also appointed on ad hoc basis, continued and, therefore, the comparison between the petitioner and other employees, who were employed in capacities of Assistant Managers, Sales Managers etc. would be odious. There essential services may have been required in the exigencies of administration to carry on the work of the Corporation. The single petitioner as Junior Engineer (Ad hoc); an ex-employee, as against the rights of the larger group of persons should not be juxtaposed as they are reasonably classified and the jobs differentiated to form separate classes so as not to constitute unfair discrimination in Article 14 to be rectified by certiorari and mandamus. The petitioner has possibly no accrued, vested or actionable right to the concession of regularization by setting aside the order dated July 9, 1997 terminating his services as no longer required being purely ad hoc. I would, therefore, find no merit in this petition and would dismiss it.

It is ordered accordingly.

05.09.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*