

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

CWP No.21545 of 2012
Date of Decision : 04.05.2016

Jaspreet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present : Mr. Ashok Kumar Sharma Nabhewala, Advocate
for the petitioner.

Mr. Inder Pal Goyat, Additional Advocate General,
Punjab.

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?

RAJIV NARAIN RAINA, J. (Oral)

The petitioner has not been able to establish that he is a servant of the Government of Punjab and holds a job directly under the State. He has come through a Centrally Sponsored Scheme promulgated in the Sports Department in the State of Punjab by the Government of India. If, there is no direct relationship between the petitioner and the State Government creating relationship protected under Article 311 of the Constitution of India, then it is not possible to accede to his request to the State to direct the Sports Department for appointing the petitioner by way of transfer to the department of

Economic and Statistical Organization, Department of Planning, Government of Punjab. In the absence of the essential features of employment under the State demonstrating relationship of directly recruited employee by the Punjab Government, interference would not be called for merely because his probation period stands cleared on expiration of two years. The last contention to claim relief is based on office order Annex P-5 which speaks of making the persons named therein including the petitioner placed at Sr. No.18 as permanent w.e.f. 14.11.1991. However, the learned State counsel points out from the seniority list which shows that there is only one isolated post of Statistical Assistant which is occupied by the petitioner. Therefore, it cannot be said that there is common seniority list for the petitioner to take advantage of. There is a difference of concept between "permanency" and a seniority list. governed by different principles. The petitioner cannot claim appointment by transfer as a matter of right. There is no obligation cast of the respondent sports department to make way to the relief claimed.

No merit. Dismissed.

**(RAJIV NARAIN RAINA)
JUDGE**

May 04, 2016

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