

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P. No. 9796 of 2016

Date of Decision : May 23, 2016

Kapil Kumar Petitioner
vs.
State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Ramesh Goyat, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks quashing of letter dated 29.04.2016, through which, the petitioner's request for extension in service for another period of one year has been rejected and through which, it has been directed that the petitioner be replaced with a regularly appointed employee by way of deputation.

After hearing learned counsel for the petitioner, the facts, which are borne out from the record of the case and which have emerged from the arguments raised at the bar are that on 24.08.2011, the petitioner was appointed as a Junior Engineer (Civil) by the Kurukshetra Development Board, Kurukshetra (hereinafter referred to as – the Board), on contract basis for six months or till availability of a regular recruit.

Thereafter, the petitioner was granted extension in service on the same terms and conditions. As per the last extension in service, the petitioner was to serve the respondent Board till 23.02.2016, on the expiry of which, no extension in service was granted to the petitioner. The petitioner made an application for the grant of extension, which was considered and recommended by the respondent Board to the Government, but such recommendation was turned down through the impugned order for reasons, which are not difficult to decipher as the record reveals that on 17.03.2016, the respondent Board had already advertised for filling up the posts in question on regular basis. In the meanwhile, the Government asked the respondent Board not to give extension to the petitioner for another year as requested by him and as an interim measure, appointment of a regularly selected Junior Engineer (Civil) be made by way of deputation, which is a recognized mode of appointment under the applicable Regulations i.e. Kurukshetra Development Board Service Regulations, 1984 (hereinafter referred to as – the Regulations).

Learned counsel for the petitioner submitted that the petitioner, a contractual employee, could only be replaced by a person, who would be appointed by way of regular selection in pursuance to the afore-referred advertisement dated 17.03.2016 and till such appointment is made on regular basis, the petitioner had a right to continue.

I do not agree with the learned counsel for the petitioner. The petitioner was admittedly a contractual employee, whose term expired on 23.02.2016. His request for the grant of extension in service for a period of one year was declined through the impugned order, apparently for the

reason that the respondent Board, through advertisement dated 17.03.2016, had already advertised for filling up the post in question on regular basis, which selection was expected to be finalized shortly. In the meanwhile, it was considered appropriate not to grant extension to the services of the petitioner and avail of the services of a regularly appointed Junior Engineer (Civil) serving the State, by appointing him on deputation basis, which was a recognized mode of recruitment, as prescribed under Regulation 10 of the Regulations, which is reproduced below for ready reference :-

“10. Recruitment to the service shall be made in the manner as specified in column 5 of Appendix B to these regulations.”

Appendix `B'
See Regulations 7 to 10

Sr. No.	Designation of Posts	Academic qualification and experience if any for direct recruitment	Academic qualification and experience if any for appointment other than by direct recruitment	Method of recruitment
9.	J.E. (Civil)	i) Diploma in Civil Engineering or equivalent qualification with 2 years experience in the same line	-	i) By transfer on deputation ii) Direct recruitment.

A contractual employee like the petitioner, after the expiry of the term of his appointment, has been ordered to be replaced by a regularly selected employee of the Government, to be appointed by way of deputation, which is a recognized mode of appointment under the applicable service Regulations. The petitioner, being a contractual employee, has to make way for a regularly appointed employee, to be posted in his place by

way of deputation, especially when regular selections are just round the

corner.

In view of the above, finding no merit in the present petition, the same is ordered to be dismissed.

Learned counsel for the petitioner submits that till date, no person on deputation has been appointed on the post being earlier manned by the petitioner. If that is so, so that the work may not suffer, the respondents are directed to do the needful forthwith.

**(DEEPAK SIBAL)
JUDGE**

May 23, 2016
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