

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.688 of 2016 (O&M)
Date of Decision: April 29, 2016

Brijesh Kumar and another

.....Appellants

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.R.S.Sihota, Senior Advocate with
Mr.B.R.Rana, Advocate, for the appellants.

-.-

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?

Surya Kant, J. (Oral)

The appellants assail the order dated 07.04.2016 whereby learned Single Judge has dismissed their writ petition challenging the action of the District Information & Technology Society, Faridabad in dispensing with their contractual assignment as Computer Operators/Data Entry Operations, for their failure to qualify the computer proficiency test.

It appears that the Red Cross Society or the District Information & Technology Society had engaged the appellants and several others as Computer Operators/Data Entry Operators on contractual basis and some of them were working from the last 10 to 15 years. The Governing Body of the District Information & Technology Society took a decision

to ask all such contractual employees to appear in the computer proficiency test. The decision was conveyed to them on 18.03.2016 whereas the test was held on 25.03.2016. Those, like the appellants, who could not qualify the test have since been relieved. They approached this Court but the learned Single Judge has dismissed the writ petition.

There is no appointment letter issued to the appellants and the terms and conditions of their engagement are not known. They were admittedly engaged on contract basis on payment of wages at D.C. rates. Such an engagement does not confer any legally vested right to hold the posts in a Society where the protection like that under Article 311 of the Constitution is not available. The appellants who are working as Computer Operators/Data Entry Operators were expected to be well proficient in computer operation. Their proficiency ought to have been far far better than the new hands as the appellants admittedly have gained long experience of over 10-15 years. Their failure in the proficiency test speaks of their suitability.

No case to interfere with the impugned orders is made out.

Dismissed.

[SURYA KANT]
JUDGE

April 29, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE