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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6328/2016**

SHASHIKANT Petitioner
Through: Mr. Saqib, Adv.

versus

UNION OF INDIA & ANR Respondents
Through: Ms. Kailash Golani, Adv. for R1.
Mr. Sanjeev Ralli and Mr. Vinod Kapoor,
Advs. for R2.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **22.07.2016**

CM No. 25950/2016

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 6328/2016

1. This is a petition filed by the petitioner with the following prayers:

“(a) issue writ, order or direction in the nature of certiorari thereby quashing the impugned Notice of Termination dated 28.06.2016 unjustifiably issued by the respondent no.2 being illegal, arbitrary and based on extraneous considerations thereby depriving right to livelihood to the petitioner on mere ipse dixit and

*(b) award costs of the litigation in favour of the petitioner;
and*

c) pass such other order and further orders as this Hon'ble Court may deem fit and proper in the interest of justice in favour of the petitioner and against the respondents”

2. It is the submission of Mr. Saqib, learned counsel for the petitioner that petitioner was appointed as Project Engineer against one out of 9 sanctioned posts on contract basis pursuant to advertisement in the year 2010. He states that the appointment of the petitioner was extended from time to time and in terms of the order dated 25th May, 2015, the appointment was made subject to final outcome of the Writ Petition (C) 1586/2015. It is his submission that despite there being work, respondents have issued impugned letter dated 28th June, 2016, whereby the respondents have decided to discontinue the services of the petitioner. He would also state, even though the initial appointment was against the ‘ICAR Project’, later the appointment was made against ‘PoP Project’. The work in PoP is of perennial nature and respondents cannot discontinue the contractual engagement. That apart, he states that the respondents cannot replace the appointment of the petitioner with a new contract employee. He would rely on the annual report 2014-2015 of the respondent no.2 in support of his submissions.

3. Mr. Sanjiv Ralli, learned counsel appearing for respondent no. 2 on

advance notice has at the outset challenged the maintainability of the petition on the ground that respondent no.2 is only a Society, registered under the Societies Registration Act without any control of the Government and as such not amenable to the jurisdiction of this Court, which plea is opposed by Mr. Saqib. Mr. Ralli would also submit that work in the 'PoP Project' has substantially reduced. According to him, the respondent no. 2 in the year 2010-2011 has generated revenue of Rs. 7.27 Crores, which has reduced in the year 2015-2016 to Rs. 1.65 Crores.

4. On a specific query by the Court whether respondent no. 2 intends to engage a fresh contractual employee (s) in PoP Project, the answer was in the negative. If that be so, only right, if any, the petitioner has is that he cannot be replaced by a fresh contractual employee, which plea in view of the statement of Mr. Ralli, is also unsustainable.

5. I do not see any merit in the petition. The same is dismissed.

CM No. 25949/2016

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 22, 2016/jg