

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.11870 of 2016

Date of Decision: August 16, 2017

Suraj Bhan

...Petitioner

Versus

The Presiding Officer, Central Administrative Tribunal, Chandigarh &
others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AJAY KUMAR MITTAL, JUDGE
HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

Present: Mr.Ravinder Malik (Ravi), Advocate,
for the petitioner.

AMIT RAWAL, J.

Petitioner, having failed to succeed before the Central Administrative Tribunal, Chandigarh Bench (for short "CAT") in setting-aside the order dated 11.6.1996 (Annexure P-10), has approached this Court under Articles 226/227 of the Constitution of India seeking quashing of the order dated 3.11.2015 (Annexure P-14) rendered by the CAT dismissing O.A.No.060/0003/2015.

Mr.Ravinder Malik (Ravi), learned counsel appearing on behalf of the petitioner submitted that in the year 1985, the petitioner got enrolled in the Employment Exchange, Jhajjar and got the enrolment extended from time to time. He received interview letter dated 20.12.1994 (Annexure P-1) from Jawahar Navodaya Vidyalaya Kaloi, District Rohtak (Haryana) for having been appointed as Mazdoor (C-IV) on temporary basis at fixed salary of Rs.1025/- per month. He was called upon to report on 5.1.1995 at 10.00 AM. On the basis of the aforementioned interview, the petitioner was issued appointment letter dated 15.2.1995 (Annexure P-2), whereby he was

appointed on the aforementioned post for a period of 89 days in the first instance and the services of the petitioner were extended for another 89 days vide order dated 22.5.1995 (Annexure P-3), but surprisingly on 21.8.1995 (Annexure P-5), he was relieved from the service. The aforementioned order was challenged in this Court by filing Civil Writ Petition No.13922 of 1995, which was allowed. However, during the pendency of the said writ petition, the Principal of the School sent interview letter dated 1.1.1996 calling upon the petitioner to report on 16.1.1996 at 10.30 AM. In spite of the judgment dated 21.3.1996 of the High Court, respondent No.3 did not allow the petitioner to join the duties. However, after great ordeal, vide letter dated 5.6.1996 (Annexure P-9), the then Principal allowed the petitioner to join the duties. In a short span of time, i.e., on 11.6.1996 (Annexure P-10), the services of the petitioner were terminated with immediate effect and the reason assigned was that the Samiti had withdrawn the sanction of two daily wagers. The petitioner assailed the aforementioned order vide CWP No.9412 of 1996, which was later on transferred to the Central Administrative Tribunal owing to the promulgation of the Administrative Tribunals Act, 1985 and vide order dated 3.11.2015, the Original Application was dismissed.

It has also been submitted that the respondents have been adopting pick and choose policy, for, respondent No.5 in place of the petitioner has been appointed and, therefore, there is a gross violation of Articles 14 and 16 of the Constitution of India. The aforementioned information was sought under the provisions of Right to Information Act. By concluding his arguments, he submitted that the petitioner cannot be made to suffer for no lapse of his, particularly when the writ petition was

admitted and transferred to the CAT.

We have heard the learned counsel for the petitioner, appraised the paper book and of the view that the reasoning assigned by the CAT in dismissing the Original Application does not warrant any interference. The petitioner was appointed against the post of daily wager, which was withdrawn resulting in the termination of the services of the petitioner. The respondent-Samiti had created two posts of daily wager vide letter dated 4.7.1994 (Annexure A-1), which were withdrawn on 4.6.1996 (Annexure A-2). It was provided therein that no daily wager be engaged over and above the sanctioned strength of Group 'D'. In such circumstances, no fault could be noticed in the termination of services of the petitioner, who was engaged as daily wager.

Adverting to the issue relating to appointment of respondent No.5, the same had been given against sanctioned post. The CAT has accepted the stand of the respondent-Samiti that they have not engaged any daily wager over and above the sanctioned strength of Group 'D'. Even respondent No.5 has been found to be appointed as Mess Helper on regular basis through the process of selection. Thus, there is no parity with regard to the appointment of respondent No.5 vis-a-vis the claim of the petitioner.

For the reasons aforementioned, no ground for interference is made out. Resultantly, while upholding the order under challenge, the writ petition is dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AMIT RAWAL)
JUDGE**

**August 16, 2017
ramesh**

**Whether speaking/reasoned
Whether Reportable:**

**Yes/No
Yes/No**