

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

CWP No. 18003 of 2014 (O&M)
Date of decision : February 21, 2017

Vishnu Dutt Sharma

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ranjit Saini, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. AG Haryana

Ajay Tewari, J (Oral)

By this writ petition, the petitioner claims salary in the regular grade with effect from the date of the order, Annexure P-4, viz 1.1.2009.

Brief facts of the case are that the petitioner was appointed as Guest Instructor in the respondent-Institute, in view of the letter dated 16.2.1999. Thereafter, the petitioner and other persons filed CWP No.188825 of 2002 praying for a direction to the respondents to frame a policy for regularization. That writ petition was disposed of with the directions to the State to frame a policy. Pursuant to that, the State framed a policy and laid down that those Instructors who were working as Guests Instructors would be given weightage for experience and 7 years' relaxation in age. Simultaneously, the State filed SLP against the decision of this Court and the Supreme Court by order, Annexure P-3, approved the policy

framed by the State. Admittedly, the petitioner was ineligible in terms of age even after granting relaxation of 7 years. By order, Annexure P-4, services of 14 Guests Lecturers of different ITIs were regularized and the name of the petitioner found mention in that list and it is on the basis of this order, the petitioner is seeking regular pay.

Counsel for the petitioner, however, is not in a position to deny that as per the policy of the State which was approved by the Supreme Court, the petitioner was ineligible since he was over age even after giving the benefit of seven years relaxation. Resultantly, his inclusion in the list (Annexure P-4) cannot confer upon him the right of regular pay. A Writ Court can issue a mandamus only if the petitioner establishes that he has a right to the relief claimed. In the present case, as stated above, the petitioner was ineligible for being considered for regular appointment. Consequently, finding no merit in this writ petition, the same is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

February 21, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No