

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

112

**CWP No.13051 of 2017
Date of decision: 15.09.2017**

Krishan Kumar

....Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.A.K.S.Goyat, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks direction for re-engagement on contractual basis for the post of Canal Patwari. Challenge has also been raised to the reply filed to the legal notice dated 28.03.2017 (Annexure P-4), raising the said demand whereby respondent No.4 has mentioned the fact that petitioner was not engaged after 19.04.2012 on account of his involvement in a corruption case of Rs.4000/- and he being arrested by the Inspector of State Vigilance Bureau, Hisar.

Counsel submits that the case has, now, led to the acquittal on 28.09.2016 by the CJM, Hisar (Annexure P-5).

A perusal of the said order would go on to show that the complainant himself turned hostile due to which the petitioner was given the benefit of doubt and a finding was recorded that the prosecution had failed to prove the guilt of the accused beyond a shadow of reasonable doubt.

The engagement of Canal Patwari was on 13.02.2008, for a specific period, which could come to an end without issuing any advance notice. As per clause 5 of the engagement letter, there was no claim or legal right of continuity/regularization of services. The petitioner, during his contractual period, had been arrested and tried.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
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112 CWP No.13051 of 2017

-2-

In such circumstances, this Court is of the opinion that no case, as such, is made out to issue any direction to the State for re-engaging the petitioner. There is no legal right and in the absence of any statutory right, as such, available to the petitioner to approach this Court and seek enforcement.

Keeping in view the above cumulative circumstances and the fact that the writ Court is exercising discretionary powers, this Court is of the opinion that the same is not to be exercised in favour of such a person and accordingly, the present writ petition is dismissed in limine.

15.09.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*