

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

CWP No.14434 of 2017

Date of Decision.09.11.2017

Bhupinder Singh

.....Petitioner

Vs

Punjab State Power Corporation Limited, Patiala and others

.....Respondents

Present: Mr. R.S. Bajaj, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The prayer in the present writ petition is for setting aside the order dated 11.02.2016 passed by the Additional Superintending Engineer, City Division Moga whereby the claim for appointment on contingent basis has been rejected.

Learned counsel appearing on behalf of the petitioner submits that he was appointed on daily wages in September, 1988 by the erstwhile Punjab State Electricity Board and was posted under the Executive Engineer, Sub Division, PSEB, Dharmkot, District Moga. The respondents illegally and without resorting to the procedure retrenched the services in November, 1988. However, in the year 1999-2000, respondents had appointed many persons on daily wages ignoring the claim of the petitioner. The aforementioned persons appointed were much junior to him and therefore, the petitioner had a preferential right to be appointed on such post. In this regard, the request of the petitioner has erroneously been rejected without noticing the fact that the junior person had been appointed.

paper book and of the view that there is no force and merit in the submissions of Mr. Bajaj, for, the retrenchment order of the petitioner passed in 1988 was on the basis of absence on duty, which he rendered only for 70 days. In such matters, no right of appointment is being considered of such employees, who have accepted retrenchment and had not assailed the same. Thereafter, process of appointments is a regular feature and by following such feature, the retrenched employee would not have any pre-existing right unless and until the order of retrenchment is not set aside.

In view of what has been observed, respondents vide impugned order have rightly rejected the claim of the petitioner and the same cannot be faulted with. No ground for interference is made out. The writ petition is dismissed.

(AMIT RAWAL)
JUDGE

November 09, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No