

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-14636-2017 (O&M)

Date of Decision:-09.11.2017.

Rohit Kumar

.....Petitioner

Versus

Union of India and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Ashwani Nagra, Advocate for the petitioner.

Mr. Shivoy Dhir, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

Petitioner has sought for the following relief:-

(i) a writ especially in the nature of Mandamus directing the respondents to allow the petitioner to do his duty as driver in continuation of his appointment vide appointment letter dated 18.02.2016 (Annexure P-6), as his services have not been terminated, in the interest of justice.

(ii) A writ in the nature of mandamus thereby directing the respondents to pay the due amount to the petitioner by calculating his salary as Rs.14,000/- per month as fixed by the Deputy Commissioner, Panchkula, and also pay the salary for the month of January, 2017, which has been withheld by the respondents and also grant all the consequential benefits in favour of the petitioner, as demanded in Legal-cum-Demand Notice dated 20.4.2017 (Annexure P-13), in the interest of justice."

Petitioner is stated to have been appointed on contract basis as a Driver of Tata Magic-III vehicle w.e.f. 5.6.2012. His contract period was extended from time to time from 2013-14, 2014-15, 2015-16 and 2016-17. While he was working in the year 2016, it seems petitioner remained absent on 30.12.2016 to 21.01.2017. It was submitted by learned counsel for the petitioner that on 4.1.2017 and 5.1.2017, petitioner reported for duty. However, the respondents failed to accept petitioner's duty report. Since petitioner's services completed as per the agreement or contract of appointment on 21.1.2017, question of reinstatement or continuing the petitioner beyond 21.1.2017 do not arise. Moreover, the petitioner was appointed on contract basis and he has no right to claim over the post.

Accordingly, petition stands dismissed. However, if the petitioner has reported back to duty from his absence on 4.1.2017 or 5.1.2017 and the respondents failed to appreciate his reporting for duty from the absence, in that event respondents are liable to pay wages from 4/5.1.2017 to 21.1.2017, if they found that petitioner had reported for duty.

(P.B. BAJANTHRI)
JUDGE

November 09, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.