

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

**CWP No. 1793 of 2017 (O&M)
Date of Decision: 01.02.2017**

Nirmal Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

JASWANT SINGH, J.

Petitioner-Nirmal Singh claims to have been appointed as *Mali* (Gardener) since September, 1994 at the Picnic Spot, Kanjli administered by Kanjli Wetland Development Committee, Kapurthala constituted by the Tourism Department on fixed amount/honorarium basis. It transpires that said Picnic Spot is no longer functioning since 2009. Although, no work was available there, however, due to non-passing of any proper order, terminating his services, he previously filed a *Civil Writ Petition No. 20234 of 2016*, claiming arrears of his salary/honorarium since January, 2012. The writ petition was ultimately disposed of after he was paid salary w.e.f. January, 2012 till November, 2016. However, it was observed in the order that Kanjli Wetland Development Committee, Kapurthala shall take a decision regarding future continuation of petitioner to the said post.

Now, the present petition has been filed against the order dated 29.11.2016 (**Annexure P-9**), whereby the services of the petitioner has been dispensed with w.e.f. 30.11.2016 due to non-functioning of the

Committee and consequent non-availability of funds with it.

I have heard learned counsel for the petitioner and have perused the paper-book with his able assistance, however, do not find any merit in the present petition.

It is not in dispute that the petitioner was working on daily wages in the Kanjli Wetland Development Committee, Kapurthala and this Committee has ceased to function since 2009. Admittedly, the petitioner was paid salary/honorarium till November, 2016 because no formal order was passed, whereby his services were terminated. Meaning thereby, no work was available with the Development Committee, so as to adjust the petitioner. Thus, under these circumstances, it was natural for the employer (the Development Committee) to dispense with the services of the petitioner as neither any work is available nor any financial resources. The engagement on daily wage basis by the Development Committee cannot be equated with the engagement by the Government as being urged by the counsel for petitioner, so as to seek adjustment or regularization in any Department of the State Government pursuant to the Regularization Policy issued by the Government. Since the petitioner had no vested right to continue in employment with the Development Committee in the facts of the present case, therefore, this Court finds no ground to interfere with the impugned order dated 29.11.2016 (P-9).

Accordingly, the present petition stands dismissed.

February 01, 2017

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No