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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18097-2017

Date of decision : 17.08.2017

Uttam Kumar

... Petitioner(s)

Versus

Central Administrative Tribunal and another

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Himanshu Puri, Advocate
for the petitioner.

AMIT RAWAL, J.

The petitioner being unsuccessful before the Central Administrative Tribunal (in short 'the Tribunal'), challenging the termination of his services on 02.01.2016, has approached this Court under Articles 226/227 of the Constitution of India against the order dated 02.03.2017 (Annexure P-1).

2. Mr. Himanshu Puri, learned counsel appearing on behalf of the petitioner submits that the petitioner vide order dated 01.01.2013, was appointed as Multi Tasking Staff (Peon) on *ad hoc* basis for a period of one year or till the post was filled up on regular basis. The aforementioned *ad hoc* appointment vide order dated 30.12.2013 and 01.01.2015 was extended for second and third year, respectively. The *ad hoc* appointment of the petitioner for the fourth year was w.e.f. 03.01.2015 to 02.01.2016, however, respondent No.2, vide letter dated 17.12.2015, addressed to the

Deputy Registrar (E), sought the approval of the Hon'ble Chairman of the Tribunal for extension of the *ad hoc* appointment for a further year i.e. 4th year beyond 02.01.2016, but vide letter dated 12.01.2016, it was declined.

3. He further submitted that the respondent(s) indulged into discrimination by appointing another person in place of the petitioner. It was claimed that there is violation of the order of the Hon'ble Supreme Court passed in **“Hargurpratap Singh V/s State of Punjab and others”** **2007 (13) SCC 292**. The Tribunal had also not taken into consideration the plea seeking regularization of the services. The instructions applied by the Tribunal, would not be applicable to the facts and circumstances of the case, as it is a settled law that *ad hocism* cannot be allowed to be perpetuated for infinite period. On the aforesaid premises, it was contended that the impugned orders dated 02.01.2016 and 02.03.2017 be set aside.

4. We have heard the learned counsel for the petitioner and appraised the paper book. In our opinion, there is no force and merit in the submissions of Mr. Puri. Undisputedly, the petitioner was appointed on *ad hoc* basis, which continued upto three years. The appointment of the applicant initially was for one year purely on *ad hoc* basis, which was till the post was filled on regular basis. The petitioner has not been able to substantiate that the provisions of Article 14 of the Constitution of India have been violated by employing some other person on *ad hoc* basis. The reliance on Supreme Court decision in **“Hargurpratap Singh's** case (supra), would not, thus, help the petitioner, wherein, a general direction has been issued that the Department cannot terminate the services of the contractual and *ad hoc* employees by replacing with another contractual employee.

5. Further, the petitioner had accepted all the terms and conditions

of the *ad hoc* appointment contained in the offer of letter dated 20.12.2012 (Annexure A-1). For the sake of brevity, the contents of the letter read as under:-

"Subject : Offer of appointment to the post of Peon (MTS) in the Central Administrative Tribunal, Chandigarh Bench.

Shri Uttam Kumar, Son of Shri Vishram Prasad, is hereby offered appointment as Peon (MTS) in the Central Administrative Tribunal, Chandigarh Bench, Sector 17, Chandigarh in the Pay Band of ₹ 5200-20200 + Grade Pay ₹ 1800/-, purely on ad hoc basis for a period of one or till the post is filled up on regular basis, which ever is earlier. His appointment is further subject to the following conditions.

2. (i) The appointment carried with it the liability to serve in any part of India.

(ii) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

3. The appointment will be further subject to:-

(i) Verification of Character and Antecedents of the appointee.

(ii) Production of Certificate of fitness from the Competent Medical Authority.

(iii) Submission of declaration in the prescribed form.

(iv) Taking of an oath of allegiance/faithfulness to the Constitution of India or making or solemn affirmation to that effect in the prescribed form.

(v) Subject to Production of Certificate of Good Moral Character from two different Gazetted Officers not related to you.

4. The appointment is liable to be cancelled if any of the above conditions is not satisfied.

5. If any declaration given or information furnished by the appointee proves to be false or if he is found to have willfully suppressed any material information, he will be liable to

removal from service and such other action will be taken as the government may deem necessary.

6. *In case Shri Uttam Kumar, Son of Shri Vishram Prasad accepts the offer on the above terms and conditions, he should submit his acceptance in writing to the understood within fifteen days from the receipt of this memorandum, failing which the offer will be treated as cancelled.*

7. *No travelling allowance will be allowed for joining the post."*

6. On plain reading of the same, it is clear that no right had accrued in favour of the petitioner to seek the relief as sought before the Tribunal. As an upshot of our observations, we do not find any illegality and perversity in the impugned order dated 02.03.2017 (Annexure P-1) passed by the Tribunal and same is hereby upheld.

6. Resultantly, the present writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

17.08.2017

Yogesh Sharma

Whether speaking/reasoned ✓
Yes/ No

Whether Reportable ✓
Yes/ No