

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

213

CWP No.2384 of 2014

Date of decision: 31.08.2017

Narender Kataria

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Sushil Jain, Advocate, for the petitioner.

Ms.Shruti Jain Goyal, AAG, Haryana.

Mr.Arvind Seth, Advocate, for respondent No.2.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks direction not to replace him by another contractual employee, till the regular selected candidate joins, under Article 226 of the Constitution of India.

It is the case of the petitioner that he was engaged vide letter dated 14.06.2011 (Annexure P-2) on contractual basis as a Manager (I.T.). A perusal of the order dated 01.08.2011 (Annexure P-3) would go on to show that the appointment was against a vacant post for one year at the rates prescribed by the DC, Gurugram, till regular recruitment was made. The offer was extended on 04.08.2011 (Annexure P-4), which was till 03.08.2012, with the condition that the office may cancel the contract during the above-said period. The said extension was further extended for one year till 06.08.2013, vide order dated 14.09.2012 (Annexure P-6) with the same condition and again it was extended by 6 months, to 07.02.2014 (Annexure P-7). Resultantly, this Court was approached on 07.02.2014, for the above-said necessary relief.

Respondent No.2, in their reply have submitted that complaint dated 06.11.2013 was received in the office of the Corporation and recommendation had been made not to extend the contract period of the petitioner as he was not

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found fit for the job because his work was not found satisfactory and he remained absent from his duty. An explanation has been called for, which was not found satisfactory and accordingly, his services were terminated and the Government was requested not to extend his contract period.

No replication has been filed to the said fact that the petitioner is no longer in service. Once the contract has not been renewed, as such, after the extension, the petitioner, as such, was only holding the post as per the terms of the appointment and it was specifically mentioned that the respondents could cancel the appointment at any time, during the said period. The initial period was only of one year and as noticed above, was extended, thereafter.

Accordingly, once the contract has run out of its currency, no further orders are liable to be issued and the present writ petition is, accordingly, dismissed. It is, however, open to the petitioner to challenge his termination order, in accordance with law.

31.08.2017
Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*