

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.817 of 2017

Date of Decision:-19.01.2017.

Hari Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Yash Pal Malik, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has sought for direction to the respondents to extend the service benefits during the period from 15.1.1997 to 29.7.2004.

The petitioner was appointed as Master (Maths) on 15.1.1997 on contract basis as is evident from Annexure P-1. His services have been dispensed on 23.4.1997. Feeling aggrieved by the order of relieving him from the post of Master (Maths) on contract basis, he has approached this Court. This Court disposed of his writ petition without interfering with the relieving order dated 23.4.1997 while directing the respondents to consider petitioner's grievance for appointment. Thus, the respondents have considered the grievance of the petitioner for fresh appointment on 29.7.2004. Now the question for consideration in the present petition is whether the petitioner is entitled to count the service rendered by him during the period from 15.1.1997 till his regular appointment is made i.e. on

29.7.2004 or not. Admittedly, the petitioner was appointed on contract basis and his services have been dispensed on 23.4.1997. Perusal of the records, it is evident that order of relieving the petitioner from the post of Master (Maths) on contract basis dated 23.4.1997 has not been set aside by this Court or any other forum so as to claim continuity of service from 23.4.1997 to 29.7.2004. Further it is to be noted that petitioner had cause of action on 29.7.2004 when he was appointed regularly. Moreover, the petitioner's services were not regularized to the post of Master (Maths) when he was holding the post on contract basis unless and until the contract service is regularized in terms of statutory rules, the petitioner has no right to claim any service benefit for the intervening period from 23.4.1997 to 29.7.2004. Thus, the petitioner has not made out a case so as to claim service benefits for the period from 15.1.1997 to 29.7.2004.

Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 19, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.