

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.188 of 2013(O&M)
Date of Decision: 16.05.2017

Devinder Singh

... Appellant

Versus

Punjab School Education Board & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the appellant.

Mr. ADS Bal, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

The order sheets from 27.2.2013 till the present do not justify keeping this appeal pending when on all previous dates the counsel either appeared or sought adjournments which were granted in the interest of justice time and again by way of accommodation. Ultimately notice of motion was issued on 13.5.2016 in the absence of counsel for the appellant. Thereafter, also he chose not to appear on the next date and appeared on 21.12.2016 when the matter was adjourned for today. Today also neither is the appellant nor his counsel present when the case is called on for hearing. I have absolutely no reason to keep this matter pending even for a single moment.

With the assistance of Mr. ADS Bal, I have gone through the record on file and the merits of the case and find no flaw in the judgment and decree in appeal dismissing the suit for declaration. Mere ad hoc appointment as Restorer in the Board does not create an indefeasible right to hold a permanent job in public service. Plaintiff was appointed on a post which was vacant by reason of promotion of incumbent Restorer to the higher post of Clerk, who was reverted to his substantive feeder post due to an order passed

by this Court. The post on which the plaintiff was working as an ad hoc employee was converted into daily wage post and thereafter, employer relieved him due to misconduct. No illegality or perversity in the concurrent judgments and decree passed by the Courts below exist. No question of service law, much less substantial, or as proposed arises in second appeal for consideration.

No merit. Dismissed.

16.05.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>