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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 43 of 2017**

Raj Kumar PaswanAppellant
Through: Mr. Ashok Kumar, Advocate.

Versus

University of DelhiRespondent
Through: Mr. Ankur Chhibber, Advocate.

CORAM:
HON'BLE CHIEF JUSTICE
HON'BLE MS.JUSTICE SANGITA DHINGRA SEHGAL

ORDER
01.03.2017

1. The unsuccessful petitioner in the Writ Petition (C) No. 105/2016 is the appellant before us.
2. The appellant/writ petitioner was admittedly working as Junior Engineer (Mechanical) on contract basis in the Engineering Department of University of Delhi. His services were discontinued from 01.04.2014 and aggrieved by the same, he had initially filed W.P.(C) 10678/2015. The said petition was disposed of by this Court by order dated 20.11.2015 with a direction to consider his representation dated 18.07.2014 to continue him in service. Accordingly, the respondent No.1/University of Delhi passed the order dated 10.12.2015 stating that the appellant/writ petitioner cannot be reinstated in the service since the Engineering Department informed that his services were no more required.

3. Challenging the said order, the appellant/writ petitioner filed W.P.(C) No.105/2016 which was dismissed by the order under appeal dated 23.11.2016 observing that the petitioner being a contractual employee whose period of contract has come to an end, no direction can be granted to continue him in service. Taking note of the fact that there is no sanctioned post of Junior Engineer (Mechanical), it was also observed by the learned Single Judge that in the light of the law laid down in ***Secretary, State of Karnataka and Others vs. Uma Devi (3) and Others*** (2006) 4 SCC 1, the petitioner is also not entitled for appointment as a permanent employee.
4. Assailing the said order, it is contended before us by the learned counsel for the appellant/writ petitioner that discontinuance of the service of the appellant without giving an opportunity of hearing was in violation of principles of natural justice. It is also contended that the removal on the ground of non-existence of post was not contemplated in the service agreement. The further contention is that the learned Single Judge erred in recording an adverse finding with regard to appointment on permanent basis since there was neither a plea nor prayer in the writ petition to that effect.
5. Admittedly, the appellant was appointed on contract basis. It may be true that he was continued for a substantial period of seven years, however, the same does not confer any right for continuation in service even after the expiry of the period of contract. The fact that the period of contract came to an end on 31.03.2014 has not been disputed before us. It is also the specific case of the respondent University that the Engineering Department no longer required his services. The plea of the respondent in the counter affidavit that

there was no sanctioned post of Junior Engineer (Mechanical) was never rebutted by the appellant/writ petitioner nor any material could be placed before this Court to show that the post in which the appellant/writ petitioner served is a sanctioned post. That being the case, no mandamus can be issued compelling the respondent to continue the appellant/writ petitioner in service.

6. In the light of the legal position as decided in *Secretary, State of Karnataka and Others vs. Uma Devi (3) and Others (supra)*, the learned Single Judge has also made it clear that the appellant cannot make any claim for absorption on permanent basis. By reiterating the settled principle of law in the context of the facts of the present case, the order under appeal cannot be said to have suffered from any legal error warranting interference by us.

7. For the aforesaid reasons, the petition was rightly dismissed. The appeal being devoid of merit is hereby dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL J.

MARCH 01, 2017/pmc