

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CWP No.18575 of 2018 (O & M)
Date of Decision: July 30, 2018

Gurmail Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

The petitioner was concededly engaged on contract basis by an outsourcing agency and put on a panel before the Director Rural Development and Panchayat Department for being engaged as a Data Entry Operator to be posted in the Directorate. The petitioner was thus engaged on 02.08.2010 with half of the consolidated salary of Rs.8000/- to be paid by the Department and remaining by the Agency. His services were terminated as no longer required vide order dated 04.08.2014 (Annexure P-2).

Learned counsel for the petitioner contends that the services of the petitioner were terminated in view of FIR No.167 dated 04.08.2014 registered against him by the complainant-Smt. Varinder Pal Kaur for sending obscene messages through whats-app as also threatening her, thus inviting offences under Sections 506, 509 of IPC and Section 66-A of the IT Act at Police Station, Phase-I, Mohali. It is urged that the petitioner was

falsely implicated as he along with his co-accused, namely Gurcharan Singh have been acquitted by the trial Court vide decision dated 01.02.2018 and, therefore, petitioner is entitled to be reinstated.

After hearing learned counsel for the petitioner, this Court in exercise of writ jurisdiction is not inclined to accept the plea of the petitioner.

The petitioner concededly was engaged as contract employee by outsourcing agency to work in the office of the Director Rural Development and Panchayat. No doubt the petitioner was selected by the Department and put on a panel and half of the salary was disbursed by the Department, however, the fact remains that the initial terms of engagement by the outsourced agency, did not get affected. Hence, the petitioner had no right to hold any post. The accusations by the lady of the nature as noticed in the order (Annexure P-4) did provide a sufficient cause to the Department to dispense with the services of the petitioner. His subsequent acquittal would have no effect on the legal position that the petitioner had no vested right to continue due to the nature of his contractual appointment.

In view of the above, finding no merit in the present writ petition the same is hereby dismissed

July 30, 2018
A.Kaundal

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No