

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

106

**CWP-28441-2017 (O&M)
Date of decision:04.05.2018**

Jagjiwan Singh

... Petitioner

Versus

Presiding Officer and others

.... Respondents

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

Present: Mr. Ravi Gakhar, Advocate for the petitioner.

P.B. BAJANTHRI, J. (ORAL)

On 14.12.2017 following order was passed.

"Learned counsel for the petitioner submitted that he was selected and appointed to the post of Octroi Clerk in accordance with regulations and rules of the respondent-Nagar Panchayat. No material has been placed on record in respect of inviting applications from the eligible candidates out of which petitioner is also one of the candidates, selection list and order of appointment so as to apprise that his selection and appointment is in accordance with rules and regulations so as to contend that oral termination is held to be illegal and arbitrary.

At this stage, learned counsel for the petitioner seeks time to produce the aforesaid documents on the next date of hearing.

List this matter on 14.02.2018."

2. There is no compliance to this order except pointing out Annexure P-8 which is stated to be advertisement. If Annexure P-8 is taken into consideration nature of the appointment of the petitioner is on contract basis that too for a period of 6 months. Petitioner has failed to produce necessary

regulation governing the post of Chungi Clerk (Contract basis). In the absence of regular appointment, petitioner has no legal right to hold the post when it is limited for a particular tenure, in the present petition only for a period of 6 months. In view of these facts and circumstances and the fact that petitioner was not appointed in accordance with regulation read with Articles 14 and 16 of the Constitution for the reasons that post of Chungi Clerk in the Nagar Panchayat, Khamano District Fatehgarh Sahib is a public post. They are bound by regulation read with Articles 14 and 16 of the Constitution. Initial appointment of the petitioner was on contract basis. In other words, he has not been appointed against regular post after inviting applications from the eligible candidates. Thus, petitioner has not made out a case so as to interfere with the award passed by the labour court. Accordingly, CWP stands dismissed.

3. At this stage, learned counsel for the petitioner submitted that he is entitled for enhanced compensation from Rs.40,000/- in terms of the decision passed by Supreme court in the case of *Bharat Sanchar Nigam Limited versus Bhurumal and another* reported in (2014)7 SCC 177. Having regard to the nature of appointment to the extent that it was contract for a particular period therefore, he is not entitled to any enhanced compensation as claimed by him. Accordingly, his submission stands rejected.

04.05.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE****Whether speaking/reasons
Whether Reportable:****Yes/No
Yes/No**