

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5875-2018 (O&M)
Date of Decision:-09.03.2018.

Jaswinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. R.K. Arora, Advocate for the petitioners.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the orders dated 28.12.2016 and 20.11.2017 (Annexure P-9 & P-11).

(2.) Undisputedly, petitioners were appointed on contract basis during the period from 1993 to 2000. Their services were dispensed. Consequently, they were into the litigation, ultimately question for consideration was whether petitioners were entitled to compensation or not? To that extent there was an order. Consequently, while implementing the order relating to compensation, Municipal Corporation, Moga has taken a decision to reinstate the petitioners by passing a resolution. It was not approved by the Government for the reasons stated in the order dated 20.11.2017, which is under challenge in the present petition. Perusal of the service particulars of the petitioner read with the order dated 20.11.2017, it is evident that nature of the appointment of the petitioners is contract basis

and they are out of service from the year 2000. Therefore, it is not appropriate to reinstate them after a gap of nearly more than 1 ½ decade. Thus, rightly a decision has been taken by the Government while rejecting the proposal made by the Municipal Corporation, Moga to reinstate the petitioners. Time and again Supreme Court has held that contract appointee has no legal or statutory right, moreover, initial contract appointment was not in accordance with the advertisement and rules which were prevailing. Supreme Court in the case of Secretary, State of Karnataka and others Vs. Uma Devi and others (2006) 4 SCC 1 held that contract appointee has no right. Following the aforesaid decision, this Court in the case in CWP-5889-2018 (Rajinder Kaur Vs. State of Punjab and others) decided on even date held that contract appointee has no statutory right to continue in service. In the present case petitioner's services were dispensed way back in the year 2000, at this distance of time reinstating them would be in violation of Article 14 and 16 of Constitution, since public posts are required to be filled up after following due procedure like advertising posts etc. In view of these facts and circumstances, petitioners have not made out a case so as to interfere with the order dated 20.11.2017 (Annexure P-11).

(3.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

March 09, 2018.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.