

Sr. No.216

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

CWP No.11984 of 2014 (O&M)

Date of Decision: 16.07.2019

Navinder Singh and others

... Petitioners

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. R.S.Manhas, Advocate,
for the petitioners.

Mr. Vivek Chauhan, Advocate,
for respondents No.1 to 5.

ARUN MONGA, J.(ORAL)

The petitioners at the relevant time were serving as Librarian, Primary Teacher, Dance Teacher and Primary Teacher, respectively on contract basis and on expiry of their contract term, their services were dispensed with.

Grievance of the petitioners is that respondent-Society continues to appoint contractual employee after dispensing with their services against the settled principle of law that one set of contractual employee cannot be displaced by another.

Learned counsel appearing for respondents No.1 to 5 submits that as far as the posts of Librarian and Dance Teacher are concerned, during the pendency of the writ petition, the same were advertised for regular appointments and after following due procedure, regular appointees have been selected and are

working ever since. As regards the other petitioners they also unsuccessfully participated in the selection process for the subsequent year, which was again though for contractual period, since their contract term had already expired.

The Society being not a State under the definition of Article 12 of the Constitution of India adopts the procedure of fresh selection on contract basis for year to year basis depending upon their requirement. He submits that having unsuccessfully participated in the subsequent selection process, the petitioners are dis-entitled to challenge the selection process. He further submits that by sheer efflux of time, in any case, the subsequent appointees were selected in place of the petitioners had also successfully completed for contractual term for the period they were selected.

In the premise, I am in agreement with the arguments advanced by learned counsel for respondents No.1 to 5 and I am of the opinion that no grounds to interfere to invoke extra ordinary writ jurisdiction. As regards issue of respondent being Society not a State, the same is kept open.

Writ petition is disposed of as having been rendered infructuous.

(ARUN MONGA)
JUDGE

16.07.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No