

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CWP No. 9930 of 2020

Date of Decision : 21.07.2020

Vikas Kumar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jai Parkash Dhull, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. Advocate General, Haryana.

(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

In the present writ petition, the grievance of the petitioner is that vide order dated 13.03.2020 (Annexure P-3), he has been relieved from service on the ground that the term of Integrated Corporation Development Project (I.C.D.P.), Ambala has already come to an end on 31.12.2019 and hence, no employee, who is on contract basis, can be allowed to continue.

Learned counsel for the petitioner argues that services of the petitioner have been dispensed with on the basis of incorrect facts. Learned counsel for the petitioner argues that I.C.D.P., Ambala is in existence and

working and further, a similarly situated employee, namely, Dalbir Singh, has been retained and, therefore, relieving the petitioner from service is arbitrary and illegal and order dated 13.03.2020 (Annexure P-3) is liable to be set-aside.

This Court on 16.07.2020 passed the following the order :-

“Learned counsel for the petitioner, inter alia, contends that the service of the petitioner has been discontinued vide communication dated 13.03.2020 (Annexure P-3). He contends that as a matter of fact, I.C.D.P. Ambala is still continuing and there is an error in mentioning that the I.C.D.P. Ambala's duration is completed by 31.12.2019. He, thus, contends that the order dated 13.03.2020 cannot sustain.

Counsel for the State to seek instructions with regard to the fact as to whether the I.C.D.P. Ambala is still continuing or has been closed.

List on 21.07.2020.”

Mr. Hitesh Pandit, Addl. Advocate General, Haryana, who appears on behalf of the respondent-State states that he has received instructions from Mr. Yogender Aggarwal, Deputy Chief Auditor in the office of Registrar Cooperative Societies, Haryana that the term of I.C.D.P., Ambala has already come to an end on 31.12.2019 and as there are no projects, which are pending to be executed by I.C.D.P., Ambala and any further project for execution has not been received, the Staff which was working on contract basis in I.C.D.P., Ambala, has been relieved. Learned State counsel further states that the minor works of the pending project is being executed by giving additional charge to the regular employees of the I.C.D.P.

Learned counsel appearing on behalf of the respondent-State

further states that Dalbir Singh is not working at the I.C.D.P., Ambala but is posted in Monitoring Cell at Panchkula and, therefore, the claim of the petitioner that the similarly situated employee has been retained at I.C.D.P., Ambala, is incorrect. Learned State counsel submits that no contractual employee has been retained in I.C.D.P., Ambala.

I have heard learned counsel for the parties and have gone through the record very carefully.

While appointing the petitioner on 26.05.2014, many conditions were imposed in the appointment order. Condition No. 8 is reproduced as under:-

“8. The contractual engagement will be for the period upto the completion of the project and their services can be terminated at any time on the basis of performance of duties by given one month notice with the permission of Registrar Cooperative Societies, Haryana.”

From the above reproduction, it would be clear that petitioner was to continue upto the completion of project and his services could have been terminated by giving one month notice with the permission of the Registrar Cooperative Societies, Haryana.

In the present case, as per the statement made by learned counsel for the respondents, the projects with the I.C.D.P., Ambala have already come to an end and even the term of the I.C.D.P., Ambala, which came to an end on 31.12.2019, has never been extended and, therefore, as the I.C.D.P., Ambala term ended on 31.12.2019, the contractual staff has been relieved vide impugned order dated 13.03.2020 (Annexure P-3). This is very much within the competence of the respondents keeping in view the

terms and conditions of the appointment order. No grievance can be made by the petitioner, who is a contractual employee that he is entitled to continue even though, there are no projects, which are to be executed by the I.C.D.P., Ambala and once the term of the I.C.D.P., Ambala has already come to an end on 31.12.2019.

Petitioner can only invoke the jurisdiction of this Court in case, he has any vested right for the enforcement of the same. In the present case, no vested right has been shown by the petitioner so as to continue in the employment of I.C.D.P., Ambala, especially, when there are no further projects, which have been received by the I.C.D.P., Ambala and even the term of the I.C.D.P., Ambala has come to an end on 31.12.2019. In the absence of any vested right to continue in the employment of I.C.D.P., Ambala, no direction can be issued so as to allow the petitioner to continue in service with the I.C.D.P., Ambala.

Further, the contention raised on behalf of learned counsel for the petitioner is that Dalbir Singh, who is a similarly situated employee, has been allowed to continue, therefore, services of the petitioner could not be dispensed with, is also not correct. As per the respondents, Sh. Dalbir Singh is not working with the I.C.D.P., Ambala but is working in the Monitoring Cell in Panchkula, which is clear from Annexure P-1, which is the appointment order, by which even the petitioner was appointed. Once, Dalbir Singh is not working in I.C.D.P., Ambala, the petitioner cannot claim parity with said Dalbir Singh.

Learned counsel for the petitioner further argues that there are some other juniors of the petitioner, namely, Meenu, Rajesh and Kulbir

Singh who are still working. Learned counsel has also fairly admitted that none of the above said person is working in the I.C.D.P., Ambala but are working in the other Districts. Further, nothing has been placed on record to show that there was any merit list prepared while selecting the petitioner or the petitioner in any manner is senior to the above named employees. In the absence of any such material, no finding can be recorded that the petitioner was senior to the above named personnels and has still being relieved from service.

That being so, petitioner cannot claim any parity with the persons, who are working with the I.C.D.P. in other Districts, which are continuing and, therefore, the grievance raised by the petitioner that other similarly situated employees are allowed to continue, cannot come to his rescue as the said fact is incorrect.

Keeping in view the above, no interference is called for in order dated 13.03.2020 (Annexure P-3) in the present writ petition and the same is hereby dismissed.

July 21, 2020
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *Yes*