

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 4038 of 2018

Date of Decision: 4.2.2020

Kamal Sharma

...Appellant

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dhruv Gupta, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Osral)

1. The petitioner worked as an Education Volunteer in a School run by Sarv Shiksha Abhiyan. It was a purely contractual and temporary job. As per the conditions in the appointment letter his services could be terminated at any time without assigning any reasons. The three broad issues framed by the trial Court in the suit instituted by him for declaration that the termination was illegal do not properly reflect the real issue on which I heard the learned counsel as to whether the termination order was fair and proper and in accordance with law. The order of termination is not placed on file but has been produced by the learned counsel and read in the original Gurmukhi by the Court Secretary which translates in English as follows:

*“A meeting under the Chairmanship
of Mrs. Parveen Kaur held today on
21.1.2009, in which clarification
given by the aforesaid employee has*

been considered. In the inspection report of the DEO (Schools) Hoshiarpur, who inspected suddenly, it was recommended to transfer this employee. According to this, it is decided to appoint a new employee and this employee be relieved from his duties afternoon today i.e. 21.1.2009.”

2. The contention is that in case the initial recommendation was to transfer the petitioner, then the services should not have been terminated but he could have been posted to some other school run by the same organization. It may have been an argument to consider but from the file it is revealed that the school and its staff was inspected by the DEO, Dasuya, without prior intimation. During the inspection the work and conduct of the appellant/plaintiff was adversely commented upon.

3. I refrain from going into the words recorded in the note so that they do not come in this order to be read publicly against him in his future life. However, be it said that the plaintiff-appellant could not claim transfer in lieu of termination to migrate him to another school with no such right conferred on him in the terms and conditions of appointment or in the rules as he was just a contractual employee who could be dealt with according to the pleasure of the employer.

4. Both the courts have considered the case thoroughly in their judgments dismissing the suit. I find no valid and cogent ground to

substitute the concurrent opinion of the two Courts formed on the materials on record.

5. No question of law, much less substantial, is involved in this second appeal for determination which is ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

4.2.2020
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Whether speaking/reasoned : *Yes*
Whether reportable : *Yes/No*