IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/B) No. 351 of 2020

Shri Himanshu Chanyal and others ...Petitioners

Vs.

Chief Executive Officer and another ...Respondents

Shri V.K. Kaparuwan, learned counsel for the petitioners.

21st December, 2020

Coram: Hon'ble Ravi Malimath, A.C.J.
Hon'ble Alok Kumar Verma, J.

Ravi Malimath, A.C.J. (Oral)

Aggrieved by the order dated 19.10.2020 passed by respondent no. 2 in terminating the contract of the petitioners, the instant writ petition is filed. The plea of the petitioners is that the contract has been terminated without giving valid reasons and, in the absence of the same, the cancellation of the contract is illegal. We have considered the contentions.

2. In terms of the offer of letter dated 29.07.2020, appointment on contract basis was awarded to the petitioners, which was subject to certain terms and conditions of the contract. Thereafter, it was found that the appointment is faulty and thereafter the impugned order dated 05/19th October, 2020 was passed, whereby the appointment letter issued to the petitioners was cancelled. It was stated in the said letter that, after going through the relevant documents, it was found that the appointment was faulty and

further that the contract has also not been entered into by the DSCL with the petitioners.

3. On considering the same, we are of the considered view that there is no good ground for interference in this writ petition. The appointment of the petitioners is on a contractual basis. The contract has been terminated by the respondents. Therefore, even assuming that the petitioners have any right to challenge the order of termination of contract, the same cannot be done through writ proceedings, as in the instant manner. The violation of any terms of the contract would find its remedy in an appropriate Civil Court and not before this Court. Even otherwise, *prima facie,* we are of the considered view that there is no error committed by the respondents in terminating the services of the petitioners.

4. Hence, for all these reasons, we find no good ground for interference in this writ petition. The writ petition is dismissed.

5. Pending application (CLMA No. 9433 of 2020) stands rejected.

(Alok Kumar Verma, J.) **(Ravi Malimath) A.C.J.**

R.P.