

117 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-2706-2021(O&M)
Date of Decision:08.02.2021**

Ramphal

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Rabinder Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Challenge in the instant petition is to the order dated 20.03.2020 (Annexure P-11) issued by the 2nd respondent i.e. the Director General of Higher Education, Haryana declining the claim of the petitioner for his adjustment on the post of Peon in some other college.

Counsel would argue that petitioner had served on a Group-D post for a period of almost 8 years prior to his services having been relieved w.e.f. 20.12.2019.

By virtue of his previous length of service petitioner ought to have been adjusted against any available vacant post. That apart, it is vehemently contended that at the stage of relieving on 20.12.2019 a recommendation had been made by the Principal of the college concerned as regards adjustment of the petitioner but such benefit has been arbitrarily denied.

Counsel has been heard at length and pleadings on record have

been perused.

It is the pleaded case of the petitioner himself that he was relieved from his contractual assignment on 20.12.2019 on account of a regular incumbent having joined on the post. Petitioner undoubtedly had served on the post of Peon on a contractual basis from the year 2011 till 20.12.2019.

Initial engagement of the petitioner was not pursuant to any regular selection process which would encompass issuance of an advertisement, laying down qualification as also a regular selection procedure. It was a purely contractual engagement against which the petitioner had served.

Having been relieved on account of joining of a regular employee, no vested right would accrue in favour of the petitioner to seek adjustment against any other vacant post.

A writ of mandamus would issue only towards enforcing a statutory or a constitutional right. Prayer of the petitioner seeking adjustment against any other vacant post cannot be accepted solely on the basis of a recommendation that may have been made by the Principal of the college concerned while issuing the relieving memo.

No ground for intervention is made out.

Writ petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

08.02. 2021
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No