

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

208

CWP-20093-2003 (O&M)
Date of decision : 05.04.2022.

Avtar Singh

... Petitioner

Versus

State of Punjab & others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. V.K. Shukla, Advocate for the petitioner.

Mr. T.P.S. Chawla, DAG, Punjab.

Mr. Sandeep Khungar, Advocate for respondent No.3.

Anupinder Singh Grewal, J. (Oral)

Learned counsel for the petitioner contends that the order dispensing the services of the petitioner has been passed without affording an opportunity of hearing to him. The petitioner had served for over four years and was entitled to regularization of his services in terms of the instructions issued by the State Government on 23.01.2001 and 28.03.2022 (Annexures P-4 & P-5 respectively).

Learned counsel for respondent No.3 states that the petitioner was appointed as a Driver on contractual basis only for a period of three months without any advertisement and therefore, his services could not be regularized. He has relied upon the judgments of the Supreme Court in the cases of **Punjab Water Supply and Sewerage Board versus Ranjodh Singh and others, 2007(2) SCC 491** and **Accounts Officer (A&I) APSRTC & others versus K.V. Ramana and others, 2007(2) SCC 324** and a Division Bench of this Court in the case of **Mahender Singh and others versus State of Haryana and others, 2007(2) SCT 177**.

Heard.

The petitioner had been appointed as a Driver on 25.08.1999 on contractual basis for a period of three months. Subsequently, his services were extended. However, by the order dated 14.11.2003 (Annexure P-8), his services were dispensed with. There is nothing on record to indicate that the petitioner had been appointed in response to an advertisement or in accordance with the rules. The appointment was purely on contractual basis. It is apt to notice that the Supreme Court in the cases of **Punjab Water Supply and Sewerage Board versus Ranjodh Singh and others (supra)** and **Accounts Officer (A&I) APSRTC & others versus K.V. Ramana and others (supra)** has held that the employees appointed on contractual basis without any advertisement and contrary to the provisions of Articles 14 and 16 of the Constitution of India, do not have right to regularization.

Consequently, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

April 05, 2022
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No