

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

125+239

**CM-573-LPA-2022 in/and
LPA-919-2021 (O&M)
Decided on : 09.05.2022**

Shikha Sharma

.....Appellant

Versus

J.C. Bose University of Science and Technology, YMCA, Faridabad and
others

.....Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE PANKAJ JAIN**

Present: Mr. Sandeep Sharma, Advocate
for the appellant.

Mr. Tribhuvan Dahiya, Senior Advocate with
Mr. Sudarshan Kumar, Advocate for the respondents.

G.S. Sandhawalia, J. (Oral)

CM-897-LPA-2022

Application for placing on record Annexures P-18 & P-19 is
allowed, in view of the averments made in the application duly supported by
affidavit. Said documents are taken on record subject to just exceptions.
Office to append the same at appropriate place.

CM stands disposed of.

LPA-919-2021 (O&M)

With the consent of counsel for the parties the main case is
taken on board today itself.

Challenge in the present letters patent appeal is to the order
dated 25.05.2021 passed by learned Single Judge in **CWP No.10152 of
2021 'Shikha Sharma Vs. J.C. Bose University of Science and
Technology, YMCA, Faridabad and others'**.

Learned Single Judge while dismissing the writ petition came to the conclusion that the writ petitioner's services were contractual in nature and the same had been dispensed with on the ground that she was appointed on contractual basis as an Assistant for a period of six months. Initially appointment order dated 03.12.2018 had been extended from time to time and dispensing was done on 04.03.2021. It was noticed that promotions were to be made to the said post and the University did not intend to fill up the posts by engaging any other contractual employees.

A perusal of the impugned order dated 04.03.2021 (Annexure P-10) which was subject matter of challenge would go on to show that her services were dispensed with and she was relieved in accordance with the terms of the appointment, which was on outsourcing basis and the term of contract had expired on 28.02.2021.

Mr. Sharma has vehemently tried to convince us that promotions have not been made to all the posts of Assistant and appellant may be allowed to continue, since there are still vacancies available.

A perusal of Minutes of the Meeting of the Establishment Committee held on 03.01.2022 (Annexure R-1) would go on to show that two persons have been promoted on the said post. Similarly, instructions dated 28.09.2021 (Annexure R-2) issued by Government of Haryana have been placed on record, which would

go on to show that all fresh recruitment/engagement under Part-I and Part-II of the Outsourcing Policy is to be stopped with immediate effect.

The affidavit of the Registrar of the University has also been perused, which would go on to show that the posts of Assistant in the University is to be filled up by way of promotion amongst eligible clerks. The process of promotion to the post of Assistant was initiated and recommendations of the Department Promotion Committee in this regard were finally approved.

In such circumstances, since the appellant has no legal and vested right as such to continue and only had the right to be protected as per the terms of appointment, the learned Single Judge has committed no error in dismissing the writ petition. In the absence of any infirmity, the appeal is not liable to be allowed and the same is accordingly dismissed. All pending civil miscellaneous applications, if any, also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

May 09, 2022
Naveen/Sailesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No