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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-867-2022 (O&M)
Date of Decision: 29.10.2022

NAVEEN SAINI

..... Appellant

Versus

KRISHI VIGYAN KENDRA AND ORS

..... Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. Sardarvinder Goyal, Advocate
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

CM-2084-LPA-2022

Application is for condonation of delay of 15 days in filing
the appeal.

Keeping in view the averments made in the application and
in view of the nominal delay of 15 days in filing the appeal is hereby
condoned.

CM stands disposed of.

LPA-867-2022

This Letters Patent Appeal is directed against the order dated
18.07.2022 passed by learned Single Judge in CWP No.15266 of 2022.

The learned Single Judge has found that the writ petitioner
was appointed on a contract basis on 08.09.2018 and the contract was
renewed on 25.09.2021 and thereafter till 25.09.2023. However, the

services of the petitioner were terminated on 30.06.2022. Resultantly, it has been held that dispensing of service was in terms of the appointment letter.

Perusal of the order dated 30.06.2022 (Annexure P-13) which is under challenge, would also go on to show that in accordance with Para-2 of the fixed-term contract, the writ petitioner was paid an advance salary for three months in lieu of three months notice. In such circumstances, it is apparent that as per the terms and conditions of the appointment letter, the services of the writ petitioner had been dispensed with. The interesting aspect is that the appellant has also chosen not to append his appointment order and extension orders with the writ petition for reason best known to him and the learned Single Judge had to rely upon the pleaded facts.

Keeping in view of the above factual aspects, the argument raised that subsequently someone else is sought to be appointed in his place is without any basis. The argument now raised that the writ petitioner is sought to be replaced by another set of similar situated person is not tenable, as at that point of time when his services were dispensed with there was no such reason. What was the intention of the employer before passing the order of termination is within the sole domain of the employer, the appellant is, thus, bound by the terms of the contract entered into by the respondent.

Accordingly, we do not find any infirmity in the order of the learned Single Judge who did not exercise the extraordinary writ jurisdiction in favour of the appellant.

The appeal stands dismissed inlimine.

Prayer for liberty to raise challenge a fresh cause of action on account of the fact that now fresh interview is called for after 4 months is declined.

Needless to say it would be incumbent upon the respondent to issue necessary work experience certificate as per performance of the appellant in case, he applies for the same.

(G.S.SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

29.10.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>