

S.No.215

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

CWP No.7218 of 2017 (O&M)

Date of Decision:31.10.2022

Gautam Dev Sharma

.....Petitioner

Vs.

Union of India and others

.....Respondents

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

Present:- Mr. K.B. Sharma, Advocate for the petitioner.
Mr. P.C. Goyal, Advocate for respondents No.1 to 4.

G.S. SANDHAWALIA, J.(Oral)

The challenge in the present writ petition is to the order dated 14.02.2017 passed by the learned Central Administrative Tribunal, Chandigarh Bench, wherein the claim as such for engagement beyond the age of 60 years was repelled on the ground that the respondents had no provision under the revised policy for engagement of a Part Time Correspondent beyond the age of 60 years.

The rejection order also contained the same reasoning that it was not possible to extend the contract beyond 31.1.2017. It was, therefore, held that the petitioner was not a regular employee and was doing the job as Part Time Correspondent on contract basis and for a fixed period and he was never appointed, on a regular post, at any time. He was initially engaged for one month w.e.f. 01.07.2004 to 31.07.2004 as Part Time Correspondent and signed the agreement thereafter. The period of his engagement was extended from time to time and lastly it was extended till 31.01.2017. In such circumstances, the relief has been declined and in view of the settled principle, relief has not been granted in favour of the petitioner as provided in the revised policy/ Rules and Regulations. Written

statement to this effect has also filed and the revised scheme for engagement of Part Time Correspondent dated 03.01.2011 has been placed on record, which goes on to show that the renewal of the contract is only to be done till 60 years of age. The relevant paragraph reads as under:-

“III. Contract Period:

(a) The work of newly engaged Part-Time Correspondents, would be monitored for three months during which period they will be continued on monthly contracts and if their performance is found satisfactory during this period they will be offered renewable yearly contracts till completion of 60 years of age, by the Station Director. The first contract after the completion of three months, will be upto 31st March of that financial year and subsequent renewals will be for the financial year or all PTCs (April to March). All renewal of contracts will be subject to satisfactory performance during earlier contract periods.”

In such circumstances, in the absence of any legal or statutory right in favour of the applicant, the Tribunal was justified in declining the relief. Accordingly, we do not find any ground to interfere in the impugned order and the writ petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

31.10.2022
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(JAGMOHAN BANSAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No