

2023:PHHC:051302

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

CWP-1908-2022 (O&M)

Date of decision: 13.04.2023

Amit Sharma

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. R.K.Arora, Advocate for the petitioner

Mr. Vikas Mohan Gupta, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner was appointed on a contractual basis as a Chief Chemist for a period of one year on 11.06.2020. Thereafter, the period of contract was extended from time to time. Challenging the correctness of the recruitment notice issued on 05.01.2022 alleging that there is only one post of Chief Chemist, the petitioner apprehends his replacement by another contractual employee. Hence, he has filed the writ petition. In the written statement, the State has highlighted the various factors which prove that the State and its machinery have lost confidence in the petitioner.

2. Learned counsel representing the petitioner while relying upon **Hargurpartap Singh vs. State of Punjab and others 2007 (13) SCC 292** and **Manish Gupta & Another etc. vs. President, Jan Bhagidari Samiti and others Etc. 2022 (2) SCT 678**, contends that a temporary employee cannot be permitted to be substituted with another

temporary employee.

3. This Court has carefully read the judgments cited by the learned counsel representing the petitioner. Both these judgments are with reference to the arbitrary practice of the employer to employ contractual employees for some period and thereafter relieve them in order to employ another set of employees. This is not the case herein. It is not the allegation of the petitioner that repeated recruitment notices are being issued. At the most the petitioner is a contractual employee. His services are liable to be dispensed with, in terms of the agreement entered into. Reliance in this case can be placed on **State of Maharashtra vs. Anita and others (2016) 8 SCC 293**.

4. In view of the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

5. Dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

13.04.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE