

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

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**CWP-16088-2013 (O&M)
Date of decision: 31.01.2023**

NAVNEET KAUR SANDHU & ORS

..Petitioners

Versus

STATE OF PUNJAB & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek Sharma, Advocate
for the petitioners.

Mr. R.S. Pandher, Sr. DAG, Punjab.

Mr. V.K. Shukla, Advocate
for respondent No.3.

ANIL KSHETARPAL, J(Oral)

This writ petition has been filed by as many as four petitioners.

The learned counsel representing the petitioners admits that the writ petition survives only qua petitioner No.2, whereas, with respect to the remaining petitioners, it is rendered infructuous. The petitioner was working as a Guest Faculty Lecturer on a part time basis in a higher educational institute Society posted in respondent No.3-College. The petitioner was replaced by another Guest Faculty Lecturer. It is not in dispute that the petitioner's substitute has already stopped working. As of now, no one in place of the petitioner has been appointed on a temporary basis. Though, at one point in time another employee was recruited in place of the petitioner. It has been stated by the learned counsel representing the respondent that respondents No.4 to 8 have already stopped working.

In such situation, the petitioner cannot force the respondents to employee her particularly when she was engaged only on the temporary basis. Her services were dispensed with in terms of her appointment letter.

The learned counsel representing the petitioner relies upon the judgment passed by the Supreme Court in **Civil Appeal No.8745-2003, titled as Hargurpratap Singh and State of Punjab, decided on 07.11.2003.** In fact it is a short order. Subsequently a Three Judge bench of the Supreme Court in **State of Maharashtra and others Vs. Anita and another, 2016(8) SCC 293** and **Brij Mohan Lal Vs. Union of India and others , 2012(6) SCC 502,** has held that if a temporary employee is discharged in terms of the appointment letter, the Court will not force the employer to keep the employee on new terms that were not entered into them while the employer employed the employee.

With these observations, the present petition is dismissed.

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

January 31st, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*