

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 22794 of 2016 (O&M)
Date of decision :14.02.2023

Kiranjeet Petitioner

versus

Punjab State Power Corporation Ltd. & ors. Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Amaninder Preet, Advocate
for the petitioner.

Ms. Meena Bansal, Advocate
for the respondents.

PANKAJ JAIN, J. (ORAL)

Petitioner seeks writ in the nature of certiorari for quashing the impugned order dated 25.05.2016 (Annexure P-1) whereby the contract of the petitioner with respect to her employment as Cashier stands cancelled.

The petitioner was employed on contractual basis as Cashier and was posted at Bajakhana, District Faridkot and thereafter transferred to Sub Division Jaito, District Faridkot. With respect to the working of the office of Head Cashier at Jaito there were certain complaints. Admittedly, the petitioner was never arraigned as accused in any of the complainants, however, Chief Engineer proposed to terminate the services of the petitioner which led to passing of Annexure P-1.

Learned counsel for the petitioner contends that the order dated 25.05.2016 being stigmatic and having been passed without there being any

inquiry wherein the petitioner had been made to participate, the same cannot sustain. He refers to inquiry report dated 18.04.2016 to submit that once in that inquiry report the petitioner was found to be not guilty she ought not have been terminated.

Per contra learned counsel for the respondent submits that the petitioner cannot be aggrieved of Annexure P-1 as the same is not stigmatic. The petitioner was merely a contractual employee and the contract has been ordered to be terminated vide Annexure P-1 without casting any aspersions with respect to the working of the petitioner. She further submits that the petitioner being a contractual employee cannot claim right to have a regular inquiry before termination of the contract.

I have heard learned counsel for the parties and have gone through the records of the case.

Without going into the question of legality of the inquiry and as to whether the petitioner was allowed to participate in the same or not? In the considered opinion of this Court, the petitioner being a contractual employee cannot claim to have a contract for perpetuity. The Division Bench of this Court in ***Jyoti & ors. Vs. The State of Haryana & ors., (2021) 1 SCT 588*** while considering the rights of the contractual employees held as under :-

“The following principles which are relevant to the facts of the case can be culled out:-

(i) principle of 'last come first go' is applicable to a case of retrenchment but not in the case where initial appointment of an employee is against public policy or the employer finds the work and conduct of an employee to be not satisfactory;

(ii) in case the work and conduct of an employee is not found to be satisfactory, then the services of such an employee, although being a senior, pales into insignificance and the services of such an employee can be

terminated in accordance with the terms and conditions of such employee;
(iii) a contractual / temporary employee cannot claim any protection against termination so long as the action taken by the authority is not shown to be vitiated by the infirmities viz. illegality, perversity, unreasonableness, unfairness or irrationality and so long as the action is not demonstrably defiant of logic;
(iv) renewal of contract cannot be sought by a temporary / contractual employee as a matter of right as its renewal of employment depends upon the perception of management as to the usefulness of the employee and the need for an incumbent in the position held by such employee.”

Once the employer found that the contract needs to be terminated and the same is in terms of the contract, no fault can be found with the order (Annexure P-1). Apart from that in the considered opinion of this Court, Annexure P-1 nowhere indicts the petitioner to be guilty of any misconduct.

The plea with respect to order dated 25.05.2016 (Annexure P-1) being stigmatic cannot be accepted. Resultantly, this Court does not find any ground to interfere in the present writ petition.

Petition stands dismissed.

(PANKAJ JAIN)
JUDGE

14.02.2023
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No