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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-16271-CWP-2023 in/and
CWP-19375-2022 (O&M)
Date of Decision: 03.10.2023

Joga Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Sunny Singla, Advocate,
for the petitioners.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The main case is preponed and is taken on board today itself.
2. The petition by way of this petition has pointed out that his contract of service was upto 31.12.2022 but suddenly vide letter dated 18.07.2022, his services were sought to be dispensed with. This Court passed interim order restraining the respondents to dispense with his services and to maintain status quo. The said order was continued on 28.10.2022 whereafter this case was not listed before the Court.
3. In the meanwhile, the petitioner has continued in service and the present application has therefore been filed to direct the respondents to pay the salary w.e.f. 01.01.2023 onwards stating that the petitioner is in service and performing his duties. It is further prayed to allow the

petitioner to amend the petition to make a prayer for extending the services of the petitioner.

4. I have considered the submissions and find that the petitioner is retired employee who retired in the year 2010 and who was allowed to work on contract basis in MGNREGA scheme. The orders were passed for dispensing with his services but this Court passed an interim order to allow him to continue. His original contract of services was to end in December, 2022 whereafter there was no occasion for the respondents to continue the petitioner. However in the terror of the orders of the Court granting status quo, the respondents seem to have allowed the petitioner to perform his duties even after the completion of the contract.
5. Factually, this Court finds that the petitioner is more than 70 years of age. In the circumstances, this Court finds that the main prayer of the petitioner to allow him to continue and not to terminate his services before the period of the contract has already been granted on account of interim order passed by the Court.
6. In view thereof, there is no occasion to allow the petitioner to seek amendment of the writ petition. The writ petition itself has been rendered infructuous, after the period of contract was over.
7. This Court is of firm view that by any interim orders by this Court, the services of an employee beyond the period of contract or beyond the age of superannuation cannot be allowed to be continued. No orders of this Court are to be interpreted in such a manner by which any additional advantage may be given beyond the provisions of rule or

beyond the terms of contract of service. In fact, it was for the State Government to have moved appropriate application for modification of the order. However, if the petitioner has been allowed to continue and has actually performed his duties, salary may be paid to him for the period for which he has worked at the rate as fixed under the contract. However, no occasion arises for allowing him to continue further.

- 8. The interim orders passed by this Court stand vacated.
- 9. The application for amendment also stands dismissed.
- 10. Writ Petition stands *dismissed*.
- 11. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

October 03, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |