

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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CWP-8-2018 (O&M)

Date of Decision: 20.02.2023

SORABH KUMAR

... Petitioner

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manoj Makkar, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Certiorari quashing the termination order dated 01.12.2017 (Annexure P-8) passed by respondent No.3, vide which the services of the petitioner were dispensed with.

Learned counsel for the petitioner submits that on 15.05.2010, the petitioner was appointed as a Computer Operator by respondent No.3 in the Institute Management Committee (IMC) Society, Government Industrial Training Institute, District Yamunanagar and that as per agenda Item No.8 (manpower requirement) of the Minutes of Meeting of State Steering Committee (SSC) dated 23.04.2015, the proposal for the extension of the existing SPIU Staff with the provisions of salary from the State funds, after completion of the VTIP Project was approved and a further recommendation was made that approval, if required, might be obtained from the Finance Department.

Learned counsel for the petitioner further submits that the services of the petitioner were terminated vide order dated 01.12.2017, which was received by him on 27.12.2017 and that the services of similarly situated employee, namely, Paramjeet Singh son of Sukhaj, were regularized by respondent No.2 on 13.08.2014 but the similar concession was denied to the petitioner.

On the other hand, learned State counsel submits that the appointment of the petitioner was purely on temporary basis on fixed remuneration of Rs.7,000/- per month, which was paid by IMC from a separate fund i.e. Non-Government funds; that there was a specific clause in the appointment letter of the petitioner that the petitioner will receive a consolidated salary of Rs.7,000/- per month and that in the communication dated 17.12.2008 of the Directorate, Industrial Training and Vocational Education, Haryana, addressed to the Principal-cum-Member Secretary, IMC Society, Kaithal, it was mentioned that the appointment/creation of the posts of Computer Operator in IMC be done for a fixed tenure, purely on temporary basis and only from the funds generated by the IMC (Non-Government Funds), without incurring any liability to the State. Still further, it is submitted that as far as case of Paramjeet Singh son of Sukhaj is concerned, he was engaged on contract basis on DC rates and accordingly, his case was considered for regularization, whereas the petitioner was appointed on temporary basis and on fixed remuneration and thus, the petitioner has no locus to seek regularization of his services and parity with aforesaid Paramjeet Singh.

Learned State counsel further submits that other similarly situated employees of the same College, whose services were also terminated, approached this Court by way of CWP-7478-2015 titled as Malkeet Singh and others vs State of Haryana and others and that the said writ petition was dismissed by a Coordinate Bench of this Court on 23.08.2022. The relevant extract of the said judgment reads as under:-

'Keeping in view the facts and circumstances which have been noticed hereinbefore especially that the petitioners have not been able to satisfy this Court that the petitioners have been replaced by another set of employees on the contractual basis and further that the petitioners were being paid by the IMC Society out of their own funds which funds were received under the grant system and the petitioners were not engaged by the Industrial Training Institute Sadhaura, no relief, as being prayed by the petitioners in the present petition, can be extended to them.

Accordingly, the present writ petition is dismissed.

As the main writ petition is dismissed, application i.e. CM-5370-CWP-2019 stands disposed of.

Learned State counsel further submits that the petitioner proceeded on leave from 01.12.2017 to 05.12.2017; that, thereafter, the petitioner never visited the Office except on 27.12.2017, when the copy of the impugned order was handed over to him and the petitioner was paid remuneration till 30.11.2017 as well.

I have heard the learned counsel for the parties.

There is no denying the fact that the petitioner was appointed on temporary basis with a fixed remuneration. It could not be shown that he was appointed on contract basis on DC rates. Thus, the claim of the petitioner seeking parity with aforesaid Paramjeet Singh, does not hold any ground.

There is also no denial to the fact that as per the communication dated 17.12.2008 issued by the Directorate, Industrial Training Vocational Education Haryana, appointment of a Computer Operator was to be done for a fixed period, purely on temporary basis from the funds generated by the IMC (Non-government funds) and the State was not to incur any liability.

Besides, the issue in question stands already adjudicated upon in CWP-7478-2015 (supra) and nothing contrary has been shown by the petitioner.

In view of the above, I find no merit in the present petition.

Dismissed.

20.02.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*