

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

125+251

CWP-24724-2022 (O&M)
Date of Decision: 06.12.2023

Krishan Lal**...Petitioner**

Versus

Union of India and Others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Mohit Garg, Advocate for the petitioner
Mr. Karan Kumar Jund, Senior Panel Counsel,
for Union of India-respondent Nos.1 to 5

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents not to replace him with another contractual employee on the post of Radiographer.
2. The petition was filed in October' 2022. Notice of motion was issued, however, no stay was granted in favour of the petitioner. Admittedly, during the pendency of petition, the respondent has appointed another employee, who at present is working with the respondent.
3. The petitioner was a contractual employee and he was appointed for a period of 11 months. There was no regular post against which the petitioner was appointed. A Division Bench of this Court vide judgment dated 04.07.2022 in ***Lokesh Rana and another v. Union of India and others, LPA No.513 of 2022*** has held that a candidate who has been appointed on

contractual basis for a particular period cannot claim continuation of service.
The relevant extracts of the said judgment read as:-

“The facts of the present case undisputedly establish that the contractual appointment of the appellants has come to an end in 2019 and that fresh appointments have also been made pursuant to the impugned advertisement in which the appellants had also participated and two of them have also been selected and appointed. In the backdrop of the aforesaid admitted facts, the law is settled that once the period of contractual appointment is over, the High Court, in exercise of its extra ordinary power under Article 226 of the Constitution of India, cannot direct continuance of service beyond the contractual period as that would amount to grant of an open ended permanent appointment by the High Court even in the absence of any order of appointment or engagement on the part of the employer. The direction seeking continuation after the contractual period is over, therefore, cannot be granted and has rightly been rejected.

In view of the position, as sketched out above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being bereft of merit is, accordingly, dismissed.”

4. In the wake of aforesaid judgment, this Court is of the considered opinion that the present petition being bereft of merits deserves to be dismissed and accordingly dismissed.

Pending application(s) shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.12.2023
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No