

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10368 of 2024

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Lalan Ram, Son of Late Sukal Ram, Resident of Jyoti Nagar, Bazar Samiti,
Gola Road, Danapur, P.O.- Danapur Cantt, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Deputy Secretary, Home Department (Police Branch), Government of Bihar, Patna.
3. The Director General of Police (DGP), Bihar, Patna.
4. The Additional Director General of Police (Wireless/ Technical Services), Bihar, Patna.
5. The Inspector General of Police (Headquarter), Bihar, Patna.
6. The Deputy Inspector General of Police (Wireless/ Technical Services), Bihar, Patna.
7. The Deputy Inspector General of Police (Personnel), Bihar, Patna.
8. The Superintendent of Police (Wireless), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Standing Counsel (13)

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2	11-07-2024	1. The Petitioner is a retired Police Inspector. After his retirement on superannuation from service, he was appointed on contractual basis vide Annexure-5 as Inspector of Police (Operation). The scheme for appointment of retired police officers and other employees working under the Government of Bihar was clearly stated in Annexure-4. It is stated in Paragraph 2 of the order dated 10th of March 2023 that the petitioner, who superannuated from service on 31st of January, 2022, was
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appointed as Inspector of Police (Operation) on contractual basis on condition that his contract may be renewed on the basis of appreciation of his work and, if his work found unsatisfactory, he will be terminated. In his appointment letter, being Annexure-5, it is stated that on the basis of Order No. 10000, dated 10th of July 2015, the petitioner and others were initially appointed on contractual basis for two years or till appointment of permanent employee in the said post subject to the maximum limit of 65 years provided that the service of the contractual employees would be appreciated after one year each. Fact remains that the petitioner was terminated from service w.e.f. 20th of December, 2023.

2. It is pertinent to mention that he joined as Inspector of Police (Operation) on contractual basis on 27th of March, 2023. It is stated that the contractual service of the petitioner was terminated on the ground that the Administrative Department of the Government took a policy decision that the said post on which the petitioner was appointed on contractual basis would be filled up by permanent employees.

3. It is contended on behalf of the petitioner that the Police Department did not consider the fact that there were 18 vacant posts in the Radio Operations Section of the Police



Department on the date of termination of the petitioner. Therefore, those posts were not filled up and the petitioner is entitled to continue with his contractual service.

4. It is needless to say that contractual employment is not regular employment in the cadre. A contractual employee does not hold any civil post. He cannot claim the order of termination illegal on the ground of violation of Rule 14 and 17 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as the Bihar CCA Rules). The nature of a contractual employment is absolutely fortuitous, irregular and liable to be terminated at any point of time. Such employment of a retired employee cannot be questioned under Constitutional Writ Jurisdiction under Article 226 of the Constitution of India.

5. Accordingly, I do not find any merit in the instant writ petition and the same is hereby dismissed.

(Bibek Chaudhuri, J)

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