

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

(239)

CWP-5692-2021

Date of Decision : February 07, 2024

Chirag

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Kundu, Advocate, for the petitioner.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that the petitioner was appointed on the post of Data Entry Operator on temporary basis on 09.05.2018, a copy of appointment letter has been appended as Annexure P-4 and he continued working till 05.03.2021 (Annexure P-5) on which date, he along with others were relieved.

2. Learned counsel for the petitioner argues that the termination order dated 05.03.2021 (Annexure P-5) is without any basis hence, the same is liable to be set aside.

3. Upon notice of motion, the respondents have filed the reply wherein, they have mentioned that six posts were created in the Office of the Deputy Commissioner of certain Districts against which the petitioner and other candidates were recruited and ultimately, a decision was taken by

the Government on 04.03.2021 that all those posts which were created, should be abolished and after the said posts were abolished, the petitioner was relieved from service along with other similarly situated employees qua the post of Data Entry Operator.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The question of law that arises in the present writ petition is as to whether an employee who has been appointed on temporary basis can be allowed to continue in service despite the fact that the said temporary post has been abolished. As per the settled principle of law, creation and abolition of post come within the jurisdiction of the employer and in the present case, not only the post on which the petitioner was working but all the other posts which were created on which the petitioner and other similarly situated employees were appointed, were abolished and all those employees were also relieved from service along with the petitioner.

6. Keeping in view the said fact that appointment of the petitioner was temporary and the petitioner only continued till the existence of the post, hence, no direction can be issued to allow the petitioner to continue in service especially when the post against which the petitioner was working, has already been abolished.

7. No other argument was raised.

8. Keeping in view the above, no ground is made out for the grant of any benefit to the petitioner as prayed in the present writ petition.

9. Dismissed.

February 07, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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