



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105 + 202)

CM-1534-CWP-2024 in/and
CWP-6826-2000 (O&M)
Date of Decision : 04.10.2024

Sinder Pal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manu K. Bhandari, Advocate with
Mr. Rohit Kataria, Advocate,
Mr. Manu Gaur, Advocate and
Mr. Arjun Sawhni, Advocate for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CM-1534-CWP-2024

As the main petition is listed for today, the present application for fixing the writ petition to an actual date of hearing has become infructuous.

CWP-6826-2000 (O&M)

1. In the present petition, the grievance being raised by the petitioner is that his claim for reinstatement to the post of Peon has been rejected by the respondents by the impugned order dated 29.02.2000 (Annexure P-12).



2. Certain facts need to be mentioned for the correct appreciation of the issue in hand.

3. It may be noticed that the petitioner was appointed as Peon on daily wage basis on 14.08.1995. The petitioner worked upto 31.07.1997. Thereafter, the petitioner was not given extension in service. The petitioner approached this Court in the year 1999 i.e. after a period of two years claiming reinstatement in service, which writ petition was disposed of with the direction to decide the representation filed by the petitioner. As the representation filed by the petitioner was not being decided, the petitioner again approached this Court by filing CWP No. 15565 of 1999, wherein, the respondents were directed to decide the representation expeditiously. Thereafter, the impugned order dated 29.02.2000 (Annexure P-12) was passed rejecting the claim of the petitioner for reinstatement, which order is under challenge in the present writ petition.

4. Learned counsel for the petitioner submits that once the petitioner was appointed as Peon on a daily wage basis, he was entitled to continue in service till the regular employee joins on the post. Learned counsel for the petitioner further submits that the petitioner was entitled for reinstatement with all consequential benefits.

5. Learned counsel for the petitioner submits that after the termination of the services of the petitioner, some other Peons and Chowkidars were appointed in the year 1998, which violates the provisions of the Industrial Disputes Act, 1947 hence, the respondents were under obligation to consider the claim of the petitioner for reinstatement.



6. Upon notice of motion, the respondents have filed the reply, wherein, the respondents have stated that the petitioner was initially appointed as Peon on daily wage basis for a period of 89 days in the year 1995 and was thereafter granted extension upto 31.07.1997. As further extension was not given to the petitioner, the services of the petitioner came to an end on 31.07.1997. It has been further mentioned that the petitioner was being paid out of the contingency fund and as there was no sanction granted to continue the services of the petitioner beyond 31.07.1997, hence it is not a case of termination of service rather it is simply the case that appointment of the petitioner came into an end upon expiry of the service period.

7. With regard to the appointment of other persons, as being alleged, it has been mentioned that these employees were appointed in the Head Office, where the services are regulated by a different set of Rules as compared to the Field Office where the petitioner had worked, hence, no parity can be claimed by the petitioner with the said employees.

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

9. In the present case, the petitioner was appointed on daily wage basis for a fixed term. The terms of the petitioner came to an end on 31.07.1997 as no further sanction to continue the petitioner's services was granted by the competent authority hence, it is not a case of terminating the services of an employee rather, the tenure for which the daily wager was appointed, had come to an end. Once, there was no sanction granted to



continue with the services of the petitioner on daily wage basis, the petitioner cannot raise any grievance with regard to the said fact.

10. With regard to the claim of the petitioner that some other persons were appointed in the year 1998 after the termination, it may be noticed that the respondents have stated that they were appointed in the Head Office and not in the Field Office and there are separate Rules governing the Field Office and the Head Office. Since, the respondents have clarified with regard to the appointment of respondents No. 4 and 5 that they were not appointed at the place where the petitioner was working but were appointed in the Head Office, the petitioner cannot raise any grievance with regard to the appointment of respondents No. 4 and 5.

11. At this stage, learned counsel for the petitioner further submits that the petitioner was liable to be reinstated in terms of the judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 5059 of 1997 titled as ***State of Punjab and others Vs. Baldar Singh.***

12. It may be noticed that nothing has come on record that the said judgment is applicable upon the claim of the petitioner. Even otherwise, qua the petitioner, his services were terminated not on account of an order of the Hon'ble Court which was subject matter before the Hon'ble Supreme Court of India in ***Baldar Singh's case (supra)*** but in fact the term of the petitioner as per his appointment order, had come to an end and as there was no further sanction granted by the competent authority, he was relieved on expiry of his term of appointment hence, the reliance being placed by the petitioner on the



judgment of the Hon'ble Supreme Court of India in *Baldar Singh's case (supra)* is totally misplaced.

13. Learned counsel for the petitioner has further placed reliance upon the judgment of the Co-ordinate Bench of this Court in CWP No. 3253 of 1997 titled as *Brinder Pal Singh Vs. State of Punjab and others*, decided on 23.01.2024 to claim that the petitioner is entitled for reinstatement and the consequential regularization of his services.

14. It may be noticed that in *Brinder Pal Singh's case (supra)*, after the termination of the services of the petitioner therein in the year 1997, he was reinstated in service in the year 1999 and thereafter, his services were dispensed with in February, 2000. The case of the present petitioner is different as after the petitioner's appointment came to an end in the year 1997, due to non-grant of further approval for continuance in service, the petitioner was never reinstated in service at any given point of time. Hence, the judgment in *Brinder Pal Singh's case (supra)*, cannot be made applicable upon the petitioner.

15. Further, with regard to the claim of the petitioner that the provisions of Industrial Disputes Act, 1947 have been violated as the respondents had appointed some persons in the year 1998, it may be noticed that in case the petitioner had any grievance with regard to the violation of the provisions of Industrial Disputes Act, 1947, the remedy lies before the Labour Court and not before this Court so that the petitioner by way of evidence could have proved that after the termination of his services, those people were appointed against his post only to discharge the duties of the said



post so as to claim violation of the provisions of Industrial Disputes Act, 1947. In the absence of any such evidence brought before this Court, no finding can be recorded as to whether, the three persons who were appointed in the year 1998, were appointed to perform the same duties as being performed by the petitioner.

16. Further, with regard to the contention of the learned counsel for the petitioner that the claim of the petitioner is covered under the Instructions dated 29.02.2000 (Annexure P-12), it may be noticed that the said claim is misplaced. The services of certain employees were terminated keeping in view the order passed by this Court in CWP No. 3287 of 1997. These orders were passed on 01.04.1997 terminating the services of certain employees. It may be noticed that the services of the petitioner came to an end on 31.07.1997 i.e. much after the passing of the said order by this Court which was subject matter in ***Baldar Singh's case (supra)*** and the services of the petitioner were not terminated on account of the order passed by this Court, which was the subject matter on the basis of which the Instructions dated 29.02.2000 (Annexure P-12) was issued.

17. In the case of the present petitioner, his term has come to an end on 31.07.1997 as the approval for his continuance in service was not granted, hence, the reliance being placed on the Instructions dated 29.02.2000 (Annexure P-12) is misplaced as the same related only to the persons, whose services were dispensed on the basis of the directions given by this Court.

18. No other argument was raised.



- 19. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.
- 20. Dismissed.
- 21. Pending miscellaneous application, if any, also stands disposed of.

October 04, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No