

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:106698



CWP No. 9379 of 2000 (O&M)

DECIDED ON: 20th August, 2024

Daulat Ram Sharma

.....PETITIONER

VERSUS

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dheeraj Chawla, Advocate for petitioner.

Mr. T.P.S. Chawla, Sr. DAG Punjab.

HARSIMRAN SINGH SETHI, J (ORAL)

In the present petition, a grievance being raised by the petitioner is that his services were terminated whereas another employee i.e. respondent No.3 was allowed to continue in service and thereafter, her services have also been regularized which is causing prejudice to the petitioner.

Learned counsel for the petitioner submits that the petitioner was appointed on contract basis on 15.12.1994, and the appointment was for a specific period upto 31.03.1995. Thereafter, again the petitioner was made to undergo a written test and interview and again, the petitioner was appointed on contract basis as Data Entry Operator upto 31.10.1995. The services of the petitioners were extended vide Annexure P-4 and Annexure P-5. As per the pleadings, the respondents did not extend the contract appointment of the petitioner after 21.07.1999 and the term of the petitioner came to an end and he was relieved from service. The said

relieving from service is challenged in the present petition on the ground that some other employee, who was also appointed on similar terms is continuing in service.

Upon notice of motion, the respondents have filed reply wherein they have mentioned that petitioner was appointed on contract basis for a specific period of time and upon expiry on said period of appointment, the petitioner was relieved from service and hence, it cannot be said that the services of the petitioner were terminated wrongfully rather, as no extension was granted to the services of petitioner and the petitioner's appointment came to an end and he was relieved from service.

Learned counsel for respondents submits that the petitioner was working as a Data Entry Operator whereas, respondent No.3 was working on the post of a Clerk, which is totally a separate cadre and therefore, the grievance being raised by the petitioner that respondent No.3 is working even when petitioner was relieved, cannot come to the rescue of the petitioner as both i.e. the petitioner and respondent No.3 were working in different cadre, and hence are not similarly situated.

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

In the present petition, the petitioner was only working on contract basis for a specific period for which the appointment was made. After the expiry, of the term of petitioner, on 21.07.1999, the extension of services was not given to him due to which he was relieved from the post of Data Entry Operator. That being the factual position, it cannot be said that the services of the petitioner were terminated in any manner so as to cause prejudice rather, his term of appointment had come to an end due to

which he was relieved from service, for which no interference is called for by this Court.

With regard to contention that respondent No.3 was allowed to continue in service, the respondents are on record to say that the petitioner was working as a Data Entry Operator whereas respondent No. 3 was working on the post of a Clerk, which is totally a separate cadre. Once, the respondents are on record to say that services of petitioner, who was working on the post of Data Entry Operator, were no longer required, the petitioner cannot claim parity with the employee of another cadre i.e. Clerk. Therefore, the basis for the challenge of relieving from service that the employees who are appointed after the petitioner are still working, is not made out in the facts and circumstances of the present petition.

No ground is made out for any interference by this Court.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

20th August, 2024
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Whether speaking/reasoned	Yes
Whether reportable	No