



CM-18561-CWP-2024 in/&
CWP-13005-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136+295

CM-18561-CWP-2024 in/&
CWP-13005-2024 (O&M)
Date of Decision :14.11.2024

Bawa Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C. Arora, Advocate with Ms. Sunaina, Advocate
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioner is that the petitioner has not been allowed to continue in service till the age of 60 years being a handicapped employee.

Upon notice of motion, the respondents have filed reply wherein it has been stated that petitioner is not a regular employee of the department and he is only working on contractual basis and on expiry of the contract, the services of the petitioner have been dispensed with hence, the petitioner cannot claim the benefit of the rules governing the service as the same are only applicable upon the regular employee and not on the employees who are working on contractual basis.

I have heard learned counsel for the parties and have gone



**CM-18561-CWP-2024 in/& -2-
CWP-13005-2024 (O&M)**

through the record with their able assistance.

Once, it is a conceded fact that the petitioner is working on contract basis and his services have been dispensed with in accordance with the contract, the claim of the petitioner that he is entitled to continue in service upto the age of 60 years being a handicapped employee, cannot be accepted. The instructions which are being relied upon to claim the benefit, cannot be made applicable upon a contractual employee whose contract has already come to an end.

At this stage, learned counsel for the petitioner submits that by way of welfare measure, the benefit has been extended to the physically handicapped employee.

It may be noticed that welfare measures are to be implemented keeping in view the rules governing the service. Once, the petitioner is working on contractual basis, he is to be dealt with in accordance with the contract which he had entered with the respondent-department and as per the said contract, the petitioner does not have any right to continue till the age of 60 years.

At this stage, learned counsel for the petitioner submits that there is no distinction between a contractual employee and a regular employee and hence, the same rules are applicable upon the petitioner being a contractual employee.

In the present case, the instructions only deal with the grant of extension in service to a regular employee and not to a contractual employee. As stated earlier, a contractual employee is bound by the terms and conditions of the contract which he/she entered with the department and



**CM-18561-CWP-2024 in/& -3-
CWP-13005-2024 (O&M)**

as per the terms and conditions of the contract in the present case, the petitioner has already finished his contract with the respondent-department and has already been relieved from service in February, 2024.

Keeping in view the above, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

CM-18561-CWP-2024

Present application is also dismissed.

November 14, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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