

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

Keeping in view of the directions given by this Court that the claim of the petitioner be considered against any post lying vacant in the category of Vocational Mistress (General Receptionist) as advertised on 23.09.2009, the respondents considered and appointed her on contract basis on 03.11.2014 (Annexure P-3).

Thereafter, keeping in view of the condition in the advertisement that after a period of 3 years of service, the employee will be entitled for regularisation of his/her service, the respondents passed an order on 26.11.2018, copy of which has been appended as Annexure P-4 for regularising the services of the petitioner for the period from 12.11.2017 i.e. after the petitioner completed 3 years of service on contractual basis. The petitioner has filed the present petition that the contractual appointment of the petitioner as a Vocational Mistress (General Receptionist) be antedated so as to grant her the regularisation of service w.e.f. 06.04.2014 instead of 12.11.2017.

Upon notice of motion, the respondents have filed the reply wherein the respondents have stated that keeping in view of the direction given by this Court in CWP No.11619 of 2012 decided on 13.05.2013, the petitioner was given an appointment on 03.11.2014 on contractual basis as Vocational Mistress (General Receptionist) and it is only after a period of 3 years of the said appointment, her claim could have been considered for regularisation which was considered and ultimately by order appended as Annexure P-4 dated 26.11.2018, on completion of 3 years of actual service, the services of the petitioner have been regularised and therefore, the petitioner cannot raise any grievance.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

It may be noticed that the petitioner competed for the post of Vocational Mistress (General Receptionist) which was filled up on contractual basis. It was not a regular appointment. Only the candidates who were appointed, were eligible to be considered for regularisation on completion of 3 years of service. That being so, coupled with the fact that the Co-ordinate Bench of this Court, only gave direction to the respondents to consider the claim of the petitioner against any of the posts of Vocational Mistress (General Receptionist) lying vacant, the petitioner was appointed on 03.11.2014. A contractual appointment cannot be antedated.

Once, the petitioner was actually appointed on contractual basis on 03.11.2014 and thereafter, on completion of period of 3 years, her services have already been regularised from 07.11.2017, no grievance can be raised by the petitioner.

Qua the claim of the petitioner that a similarly situated employee namely Venus, had been given a benefit of appointment with retrospective effect, it may be noticed that the same was done keeping in view the direction given by the Co-ordinate Bench of this Court while passing order in Civil Writ Petition No.20148 of 2012 decided on 25.10.2013 where, the appointment of said Venus was directed to be given from 14.01.2012. It may be noticed that while deciding the writ petition filed by the petitioner in CWP No.11619 of 2012, no such direction was given hence, the petitioner cannot claim to be similarly situated as Venus.

No ground is made out for interference by this Court as being claimed in the present writ petition.

Hence, the present petition stands dismissed.

Pending application, if any, also stands disposed of.

14-10-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
 Whether reportable: YES/NO