

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARHSr. No.102LPA-2535-2024 (O&M)Date of decision : 19.10.2024

Devender Gera

..... Appellant

Versus

Haryana State Legal Services Authority

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
 HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr.Sandeep Thakan, Advocate, for the appellant.

* * * * *

DEEPAK SIBAL, J. (Oral)

1. Through letter dated 04.02.2009 the appellant was appointed as an Accountant in the office of the Haryana State Legal Services Authority, Chandigarh (for short, the Authority). Such appointment was on *ad hoc* basis for a period of six months. One of the terms of the appellant's appointment was that he would not claim any right to be absorbed or made permanent in service. The appellant accepted the terms contained in his appointment letter and joined as an Accountant with the Authority. Thereafter his services were extended on six monthly basis from time to time. These extensions in service were with a clear stipulation that in case within the period of the extended service a regular appointee joins, the appellant would have to make way for him/her. In the year 2012 a regular incumbent joined as an Accountant with the Authority. Thereafter, the appellant was permitted to serve the Authority on *ad hoc* basis against the higher post of Deputy Superintendent and that he was relieved from service on 21.02.2012. At that stage the appellant knocked the doors of this Court seeking therein regularization of his services as an Accountant. He further claimed benefits like children education allowance, annual increments, leave encashment etc. A learned Single Judge of this Court rejected the appellant's claim for regularization of his services. So far as his claim for the grant of service benefits were concerned, the State was directed to take a considered decision in this regard. It was further directed that in case the appellant was found entitled to the service benefits claimed by him, the same shall be released to him



within two months thereof alongwith interest @ 6% per annum. The rejection of the appellant's claim for regularization of his services is challenged through the present intra court appeal.

2. Learned counsel for the appellant has been heard.

3. Through letter dated 04.02.2009 the appellant was appointed as an Accountant. Such appointment was purely on *ad hoc* basis and for a period of six months. It was clearly provided in his appointment letter that he shall not claim any right to be absorbed or made permanent in service. Thereafter his appointment was extended with a further stipulation that in case in the meantime a regular incumbent joins then the appellant shall have to make way for him/her. In the year 2012 a regular incumbent joined as an Accountant and that the appellant was allowed to continue only against the higher post of Deputy Superintendent as for some time his services were required. Such continuance in service was also on *ad hoc* basis. After he had put in service of just about 03 years, he was relieved as per the terms & conditions contained in his appointment/extension order(s).

4. In the light of the above undisputed facts, we find no error in the impugned judgment declining the appellant's prayer for regularization of his services especially when the appellant did not challenge the terms & conditions of his appointment and because he was relieved about 12 years ago and that ever since he has not been in the service of the Authority.

5. Dismissed.

6. Pending miscellaneous application(s), if any, also stand disposed of.

[DEEPAK SIBAL]
JUDGE

19.10.2024
shamsher

[DEEPAK MANCHANDA]
JUDGE

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