

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-317-2024 (O&M)
Date of decision:-21.03.2024

Nachhatar Singh and others
...Appellant(s)

Versus

State of Punjab and others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
 HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Tarundeep Kumar, Advocate,
 for the appellants.

Mr. Saurav Khurana, Additional Advocate General, Punjab.
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G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The consideration is to the order dated 03.10.2023 passed by the learned Single Judge, whereby CWP-774-1997 filed by the writ petitioners (appellants herein) had been dismissed.
2. The learned Single Judge came to a valid conclusion that the appointments of the writ petitioners-appellants were made only for a period of 89 days and their services were liable to be terminated on joining of regular candidates. It was noticed that the claim made as such for quashing the selection of the private respondents and giving further directions should have been contested before the Labour Court whether they were workmen and, therefore, merely because other persons had been considered and appointed would not give them any right as such. The regularization process having been conducted after considering the other candidates would not as such create any right in favour of the writ petitioners-appellants who were admittedly appointed on adhoc basis for a short period of 89 days. A perusal of the paper book would go on to show that the writ petition was filed on the admitted fact

that they were appointed for 89 days and they had served for various periods after the notional break as such. In some cases, the period of appointment, as mentioned in paragraph 4 of the writ petition, was for two terms, whereas for others it was three to four. Thus, the period of employment ranged from 178 to 356 days. The instructions dated 12.08.1996 (Annexure P-2) issued by the Government of Punjab would also go on to show that there was a ban on recruitment against existing vacancies of class III and IV posts and in such circumstances, a decision was taken to make appointments on 89 days basis with a further condition that once the regularization process had been completed, the employees working on adhoc basis could only continue for a period not exceeding six months or till such date as the regular candidates selected/recommended by the recruiting agency were appointed. It is, thus, apparent that there was adhoc arrangement as such made to ensure that the work of the department would not suffer.

3. The stand of respondent No. 1 – State of Punjab was that out of 66 existing adhoc employees, 31 had been selected being deserving candidates on merit and appointed on regular basis and the process of appointments had been completed within a period of six months. The writ petitioners-appellants had gone through the said process and the selected candidates including the private respondents had after receiving their appointment orders appeared for medical examination. The selection process is stated to have been duly notified and put up on the notice board. During the course of arguments, it also transpires that apparently the writ petitioners-appellants' services were dispensed with at that point of time. It is also noticed by the learned Single Judge that learned counsel had expressed his inability to argue the case as there was no contact with the concerned writ petitioners.

4. Keeping in view the above, we are of the considered opinion that having served for short periods between the year 1995-1996 as such would not entitle the writ petitioners-appellants to continue in service or seek any relief in the peculiar facts and circumstances of the case as they were only appointed to fill in the gap as such for the period specified. On joining of the private respondents as regular employees, their services had been duly dispensed with after being considered with the private respondents. In such circumstances, no fault can be found with the order of the learned Single Judge.
5. Accordingly, the appeal stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

21.03.2024
Amodh Sharma

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