

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-477-2024 (O&M)
Date of decision:-21.03.2024

Krishna Devi
...Appellant(s)

Versus

Union of India and others
...Respondent(s)

LPA-517-2024 (O&M)

Vijay Kumar
...Appellant(s)

Versus

Union of India and others
...Respondent(s)

LPA-602-2024 (O&M)

Rakesh Kumar
...Appellant(s)

Versus

Union of India and others
...Respondent(s)

LPA-639-2024 (O&M)

Manish Kumar
...Appellant(s)

Versus

Union of India and others
...Respondent(s)

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

Present: Mr. Baldev Singh, Advocate,
 Mr. Sukhcharan Singh, Advocate,
 Mr. Balbir Singh Sewak, Advocate,
 for the appellants.

 Mr. Pankaj Gupta, Senior Panel Counsel,
 for respondent No. 1 – Union of India.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The present Letters Patent Appeals are directed against the order dated 31.10.2023 passed by the learned Single Judge, whereby as many as eleven writ petitions were dismissed, and lead case was CWP-24742-2015 titled ***Krishna Devi Vs Union of India and others***.

2. The learned Single Judge came to the conclusion that the applications had been invited for appointment to 60 posts of peon and the writ petitioners-appellants had participated in the selection process, but were not selected. Merely because they had served for different periods and as per the memorandum of settlement with the Union of Employees, relaxation in age and qualification had been done, there was no right as such to the job to casual workers on permanent basis. Resultantly, finding was that it would not give any vested or absolute right in their favour.

3. The bank had made appointment of 60 regular employees and the writ petitioners-appellants having participated in the selection process after getting relaxation in age and qualification, the principle of estoppel as such was kept in mind while relying upon the judgements of the Apex Court in ***Tajvir Singh Sodhi and others Vs State of Jammu and Kashmir and others***

2023 SCC Online SC 344; ***Ramesh Chandra Shah Vs Anil Joshi*** (2013) 11

SCC 309; *Ashok Kumar Vs State of Bihar* (2017) 4 SCC 357; *Union of India Vs S. Vinodh Kumar* (2007) 8 SCC 100; *Sadananda Halo Vs Momtaz Ali Sheikh* (2008) 4 SCC 619; *State of Uttar Pradesh Vs Karunesh Kumar and others* 2022 SCC Online SC 1706 and *Madan Lal Vs State of Jammu and Kashmir* AIR 1995 SCC 1088. The reasoning given was, thus, that there was no vested or absolute right to claim absorption or appointment as regular employees and the replacement had been done by the regular set of employees. There was, thus, no infirmity in the selection process which would warrant any interference.

4. The counsel for the bank as such had agreed that if at any point of time contractual employees were appointed by any branch within the city, the writ petitioners-appellants would be given preference and similar would be the case for regular employment after relaxation in criteria. Resultantly, 11 writ petitions were dismissed except CWP-24225-2015 which pertained to Darshan Singh since he was the only one who was working under interim orders and, thus, was given the protection to continue till a regular employee was appointed after following the recruitment process and he was not to be replaced by a contractual employee.

5. A perusal of the paper book would also go on to show that the case as such of the writ petitioners-appellants was that they had taken part in the interview for 60 vacancies which had been allotted to each Zone as per the approval by the higher authority. The allegations are that their case was ignored without any reason and, thus, the appointment of respondents No. 3 to 62 had been challenged. Apparently, on an earlier occasion, the writ petitioners-appellants had filed CWP-23581-2015 titled *Rajesh Kumar and others Vs Bank of India and others* which as such had been dismissed as

withdrawn on 29.02.2016 and in the interregnum the second round of litigation had also been initiated. Representations had also been made by the writ petitioners-appellants to the concerned authorities before approaching this Court. As per the pleadings as such various other persons had managed to get their services regularized. The stand of the respondent-bank was, thus, to the extent that, the writ petitioners-appellants having applied for the post, participated in the selection process, interviewed and not having been successful, the challenge was not permissible. The earlier engagement was purely casual and temporary on the basis of exigencies as and when required, the payment was on daily wage basis and there was never any master servant relationship as such. It was averred that three committees had been set up which had interviewed the candidates from 09.09.2015 to 12.09.2015 and out of 1151 candidates called, only 521 had appeared. The marks had been awarded on the basis of performance of the candidates and there were no marks for experience in the interview. However, relaxation had been given with regard to age and qualification.

6. Keeping in view the above factual matrix, we are of the considered opinion that the view taken by the learned Single Judge is a plausible view which is not liable to be interfered with. Having competed in the process of selection and having not been successful, the writ petitioners-appellants cannot be permitted as such to challenge the same. There is no malafide as such alleged that the interview committee as such was biased towards them in any manner. As noticed, there is not one committee, but several committees and large number of candidates were interviewed. It is for the employer as such to see that which is the most suitable person it wishes to employ by fixing an appropriate criteria for selection. Having served on daily

wage basis, though for a large period of time, would not as such give any absolute right to the writ petitioners-appellants to claim appointment in perpetuity. Resultantly, we are of the considered opinion that no fault can be found with the order of the learned Single Judge, whereby he has declined to interfere with the recruitment process.

7. The appeals being meritless, accordingly, stand dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

21.03.2024
Amodh Sharma

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