



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

RSA-3273-2001(O&M)

RESERVED ON : 22.09.2025

PRONOUNCED ON : 26.09.2025

Vikram Singh

....Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Kapil Aggarwal, Advocate for the appellant.

Mr. Gautam Kaile, DAG, Haryana.

DEEPINDER SINGH NALWA, J.

1. The present Regular Second Appeal has been directed against the judgment and decree dated 26.04.2001 passed by learned Additional District Judge-I, Narnaul (hereinafter to be referred as 'Lower Appellate Court'), dismissing the appeal filed by the appellant/plaintiff and the judgment and decree dated 03.08.1995 passed by learned Sub Judge Ist Class, Narnaul (hereinafter to be referred as 'trial Court'), whereby the suit filed by the appellant/plaintiff was dismissed.

2. The brief facts of the case are that the appellant/plaintiff was appointed as a Driver in Haryana Roadways on 23.03.1988 on a temporary basis for a particular purpose. The abovesaid appointment was to meet out the rush of Mata Masani Mela. Initially, the appellant/plaintiff was appointed for a period from 23.03.1988 to 31.05.1988. Further



extension was granted to him w.e.f. 01.06.1988 till 31.08.1988. An FIR bearing No.92 dated 06.06.1988, under Sections 279 and 304A of Indian Penal Code, 1860 (for short 'IPC'), was registered at Police Station Ateli, District Mahendergarh, against the appellant/plaintiff. The charge against the appellant/plaintiff was that the bus which was driven by the appellant/plaintiff met with an accident which led to death of one Sheodan. Taking into consideration, the conduct of the appellant/plaintiff and also that as his appointment was on temporary basis, he was discontinued from service vide order dated 15.06.1988 by the respondents/defendants. Aggrieved against the abovesaid order, the appellant/plaintiff filed an appeal before the competent authority which was also dismissed on 19.09.1988. Aggrieved against the orders dated 15.06.1988 and 19.09.1988, the appellant/plaintiff filed a suit for declaration to the extent that the orders dated 15.06.1988 and 19.09.1988 were illegal and as such he was entitled to continue in service.

3. Upon notice, the respondents/defendants caused appearance and filed their joint written statement in the abovesaid suit. It was the specific case of respondents/defendants that the appellant/plaintiff was appointed on temporary basis and as per the terms and conditions of his appointment letter, his services could be terminated at any time. Taking into consideration the service record of the appellant/plaintiff, he was relieved from service vide order dated 15.05.1988. It was further averred that the discontinuation in service of the appellant/plaintiff was in accordance with law and, as such, there was no illegality in the impugned orders.



4. From the pleading of the parties, following issues were framed by the learned trial Court :-

1. Whether the impugned order dated 15.6.88 and 19.9.88 are illegal and null void? OPP
2. Whether the suit is not maintainable? OPD.
3. Whether the suit is time barred? OPD
4. Whether the notice u/s 80 CPC was not given? OPD.
5. Relief.

5. The learned trial Court vide judgment and decree dated 03.08.1995, dismissed the suit filed by the appellant/plaintiff. A perusal of the aforesaid judgment and decree passed by the learned trial Court would show that the learned trial Court has held that as the appointment of appellant/plaintiff was on temporary basis, he had no right on the post and his services could always be terminated in terms of the conditions mentioned in the appointment letter. It has also been held by the learned trial Court that in fact the appointment of the appellant/plaintiff was for a particular purpose i.e. to meet out the rush of Mata Masani Fair. As the fair was over, there was no illegality in the order passed by the respondents/defendants, vide which the appellant/plaintiff was relieved from service.

6. Aggrieved against the judgment and decree dated 03.08.1995 passed by the learned trial Court, the appellant/plaintiff filed an appeal challenging the abovesaid judgment and decree. The aforesaid appeal came up for consideration before the learned Lower Appellate Court on 26.04.2001. The learned Lower Appellate Court dismissed the appeal and



affirmed the judgment and decree passed by the learned trial Court. A perusal of the aforesaid judgment and decree dated 26.04.2001 passed by the learned Lower Appellate Court would show that the learned Lower Appellate Court has held that as the appellant/plaintiff was appointed for a particular purpose i.e. to meet out the rush of Mata Masani Fair and as there was no requirement, the appellant/plaintiff was rightly relieved from service. It was also held that the action of respondents/defendants of discontinuation of appellant/plaintiff from service cannot be held to be punitive in nature and, as such, the judgment and decree passed by the learned trial Court was in accordance with law.

7. Aggrieved against the judgment and decree dated 03.08.1995 passed by the learned trial Court as well as the judgment and decree dated 26.04.2001 passed by the learned Lower Appellate Court, the appellant/plaintiff has filed the present appeal.

8. The only contention raised by learned counsel for the appellant/plaintiff is that even though the appellant/plaintiff was appointed on temporary basis for a particular purpose, even then, terminating his service before expiry of the period of extension in service was not permissible in law. If the respondents/defendants had to terminate the service of the appellant/plaintiff before the period of extension, in that case at least principles of natural justice had to be followed. He submits that as there was no compliance of principles of natural justice before passing of the impugned orders dated 15.06.1988 and 19.09.1988, as such, the impugned orders are liable to be set aside.



9. On the other hand, the learned State counsel for the respondents/defendants submits that the judgment and decree passed by the learned Courts below do not suffer from any infirmity or illegality. It is the contention of learned State counsel that as the service of the appellant/plaintiff was terminated as per the terms and conditions mentioned in the appointment letter, as such, there is no infirmity in the impugned orders dated 15.06.1988 and 19.09.1988 passed by the respondents/defendants.

10. I have heard learned counsel for the parties at some length; perused the paper-book and have gone through the evidence led by the parties. A perusal of the facts of the present case would show that it is an admitted fact that the appellant/plaintiff was appointed on temporary basis for a particular purpose i.e. to meet out the rush of Mata Masani Fair. The appellant/plaintiff was initially appointed for a period from 23.03.1988 to 31.05.1988 and thereafter, he was granted extension w.e.f. 01.06.1988 to 31.08.1988. A perusal of the facts of the present case would further show that in fact the bus which was driven by the appellant/plaintiff met with an accident. It is the admitted fact that the appellant/plaintiff was appointed on temporary basis and his services could be terminated in terms of the conditions of the appointment letter. As per the terms and conditions of the appointment letter, the services of the appellant/plaintiff could be terminated at any time. It is not the case of the appellant/plaintiff that his service was discontinued on account of any mala fide intention or by any act of arbitrariness on the part of respondents/defendants. In a case of temporary employee, it is a well-settled law that the services of the



temporary employee can be terminated in terms of the conditions mentioned in the appointment letter. It is also well settled law that the principles of natural justice is not a straight-jacket formula. Taking into consideration the facts of the present case, the doctrine of natural justice would not apply in a way on discontinuation of the services of the appellant/plaintiff who was appointed on a temporary basis, as his discontinuation was in accordance with terms and conditions of the appointment letter. Even otherwise, a perusal of the facts of the present case would show that in fact, the appellant/plaintiff was appointed for a particular purpose i.e. for meeting out the rush of Mata Masani Fair. As the appellant/plaintiff was appointed for a particular purpose, he had no right to continue beyond 31.08.1988, as he was granted extension in service from 01.06.1988 to 31.08.1988.

11. Taking into consideration the fact of the present case and evidence led by the parties, this Court finds no infirmity or illegality in the judgment and decree passed by the learned Courts below.

12. Accordingly, the present Regular Second Appeal is dismissed.

13. Pending application(s), if any, stand(s) disposed of.

26.09.2025

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(DEEPINDER SINGH NALWA)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No