



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

CWP-26469-2013

Date of Decision: 09.09.2025

Meenakshi Uppal

...Petitioner

Versus

Society of Promotion of Information Technology and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. D.S. Patwalia, Senior Advocate with
Ms. Rishu Bajaj, Advocate for the petitioner.

Ms. Madhu Dayal, Advocate and
Ms. Shubreet Kaur, Advocate
for respondents No.1 to 3.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 22.11.2013 whereby she was relieved.

2. The petitioner claims that she was appointed as Counsellor by Society for Promotion of Information Technology in Chandigarh (for short 'SPIC'). She was appointed on contract basis. She was sent on deputation to Information Technology Department. The post of HR Executive was abolished by Information Technology Department, however, said post was never abolished by SPIC where she was originally appointed. In the absence of abolition of post by SPIC, she could not be relieved. She was supposed to be sent back to parent department.

3. *Per contra*, Ms. Madhu Dayal, Advocate submits that

petitioner was a contractual employee. She was never sent on deputation to Information Technology Department. The respondent consciously abolished post of HR Executive, thus, services of petitioner were bound to be discontinued.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. From the perusal of record, it is evident that petitioner was appointed on contract basis. The period of contract was extended from time to time. She was appointed by SPIC initially as Counsellor and thereafter as HR Executive. The respondent has not recruited any person in place of petitioner. Had anyone been appointed during intervening period, this Court could ask respondents to consider petitioner because a contractual employee cannot be replaced by another contractual employee unless and until there is misconduct on the part of existing employee. The petitioner was relieved in 2013 and period of 12 years has passed away. There is no appointment in the intervening period, either contractual or regular.

6. In the backdrop, this Court is of the considered opinion that instant petition deserves to be dismissed and accordingly ***dismissed***. It is hereby made clear that if in future respondent makes appointment of HR Executive, the petitioner be considered, if she applies.

(JAGMOHAN BANSAL)
JUDGE

09.09.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No