
(2014) 07 P&H CK 0866
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5552 of 1995

Ashok Kumar

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 24-07-2014

Acts Referred:

Constitution of India, 1950 — Article 12, 14, 16

Citation : (2014) 176 PLR 741

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : Ajay Chauhan, Advocate for the Appellant

Judgement

Sabina, J.—Petitioners have filed this petition seeking a direction to the respondents to treat them as Central Government Servants making suitable provisions for granting them regular pay scales, allowances and other facilities including retiral benefits. The writ petition was admitted on 19.4.1995. Thereafter, petitioners moved Civil Miscellaneous No. 9707 of 1996 praying that the respondents be directed not to finalize the selection in pursuance to the advertisement dated 10.3.1996 and respondent No. 3 be directed to allow petitioners No. 1 and 3 to continue in service. On 20.5.1996, following order was passed by this Court on the said application:-

"Notice of C.M. To Mr. S.K. Pipat, Sr. Panel Counsel for respondent Nos. 1 and 2 and Mr. R.P.S. Ahluwalia, Advocate for respondent No. 3 for May 29, 1996.

In the meantime, the petitioner's services be not terminated."

2. On 29.5.1996, Civil Miscellaneous No. 9707 of 1996 was dismissed and following order was passed:-

"After hearing the learned counsel for the parties and going through the judgment in CWP No. 12654 of 1993, rendered on October 31, 1995, by a learned Single Judge of this Court, in which one of the petitioners was also a

petitioner and present respondent No. 3 was a respondent in that case, in which it has been held that no writ petition is maintainable against respondent No. 3 and further the fixing of 15 years of service or 60 years of age, whichever is earlier, is not violative of Articles 14 and 16 of the Constitution of India, I hereby vacate the stay granted by this court on May 20, 1996. Accordingly, the C.M. Application is dismissed."

3. I have heard the learned counsel for the parties and have gone through the record available on the file carefully.

4. In the present case, petitioners were working under Managing Committee, Kharga Army Canteen. Petitioner No. 2 had filed CWP No. 12654 of 1993 claiming that she could continue in service upto the age of 60 years and had challenged the standing order vide which maximum permissible service for an employee had been provided as 15 years. While deciding the said writ petition, following questions were framed by the Bench:-

"(i) Is the respondent-canteen a State within the meaning of Article 12 of the Constitution?

(ii) Is the impugned provision illegal and ultra vires Article 14 of the Constitution?"

While deciding question No. 1, it was held that the respondent-canteen was not an instrumentality of the State and was not amenable to writ jurisdiction. Petitioners in the present case are also employees of the same canteen and this Court in CWP No. 12654 of 1993 had held that the said canteen was not amenable to writ jurisdiction.

Hence, this petition is liable to be dismissed and is accordingly dismissed.