

(2011) 11 SHI CK 0227
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 1962 of 2008

Mrs. Veena Bhatt

APPELLANT

Vs

State of H.P. and Another

RESPONDENT

Date of Decision : 23-11-2011

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2011) 11 SHI CK 0227

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, Judge

1. The petition has been filed on the following substantive prayers vide para 7 (a) and (b):

a) That the impugned termination order may be set-aside being illegal and unjustified.

b) That the respondent may be directed to pay all the consequential benefits to the applicant.

2. In reply the respondents have taken the following stand vide paras 2 to 5 of the preliminary submissions:

2. That the termination orders dated 24.04.2008 vide annexure A-4/R-XVIII have been passed after giving due show cause notice, calling for the reply and after considering the same in a fair and just manner. Therefore, Original Application deserves dismissal.

3. That the applicant was appointed as a contractual employee under E-Governance without considering the cases of other eligible candidates, dehors the R&P Rules/norms and in violation of the constitutional mandate of Article 14 & 16 of the Constitution of India, then, the applicant has neither any legal nor fundamental right to seek premium and continuity on the basis of her void

appointment; when, during her employment, her work, performance, conduct and behavior had been uncordial with her superiors as well as other colleagues. For these lapses/inaction(s), vide Annexure R-I to R-XVI would show that the applicant had indulged in undesirable activities adversely affecting the original decorum, leading to indiscipline and non-punctuality and misusing her official position for purposes known to her for which she was directed time and again to mend her ways but since no improvement was noticed/reflected, hence the termination of her services vide Annexure R-XVIII after issuing notices/memos and calling for reply which was found baseless and unsatisfactory i.e. after complying with the minimum requirements of natural justice and fairplay is fair, just and legal and the OA deserves dismissal.

4. That it is submitted that the contractual period of the applicant had lapsed/expired in November, 2007. However, she was allowed to continue thereafter, on the assurance of the applicant that she would improve her work, performance, conduct and behavior, but, since no improvement was noticed, hence her services were terminated on 24.04.2008 in accordance with law.

5. That once the contractual period of employment had lapsed/expired in November, 2007 but the applicant continued temporarily thereafter till the termination of services on 24.4.2008 vide Annexure A-4/R-XVIII, then the applicant has neither any legal nor any fundamental right to seek renewal of contract of employment after its expiry, by way of judicial intervention by seeking setting aside of termination dated 24.04.2008 and the Original Application deserves dismissal, when no sanctioned post of E-Governance employee exists for the applicant.

3. In the facts and circumstances of the case, the petition is disposed of with a direction that subject to the petitioner making a detailed representation supported by documents, if any, along with copy of this judgment to respondent No.2 within one month from the date of receipt of copy of this judgment, who shall consider and take final decision in the matter within further three months in accordance with law, after affording an opportunity of being heard to the petitioner, if so desired.

4. The petition stands disposed of, so also pending application(s), if any, in the above terms.