
(1991) 01 P&H CK 0007
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3542 of 1989

Poonam Datd (Miss)	Vs	APPELLANT
The State of Haryana and Others		RESPONDENT

Date of Decision : 11-01-1991

Acts Referred:

Citation : (1993) 1 ILR (P&H) 39

Hon'ble Judges : G.R. Majithia, J

Bench : Single Bench

Advocate : Anil Rathi, for the Appellant; Rameshwar Malik, for the Respondent

Final Decision : Dismissed

Judgement

G.R. Majithia, J.—This judgment disposes of C.W.P. No. 3542 and 4256 of 1989 since common questions of law and fact arise for determination therein. The Petitioners have sought a mandate from this Court to the Respondents to pay them the same salary as is permissible to the regular employees.

2. Reference to the relevant facts has been made from the pleadings of C.W.P. No. 3542 of 1989.

3. Respondent No. 1- vide memo No. 1/24-85 Edu. 1(1), dated October 24, 1986 delegated powers to the Principals of Government Colleges in the State of Haryana for filling short term vacancies of College Lecturers Pursuant to the delegation, Respondent No. 3 appointed the Petitioner as a part-time Lecturer in Geology for a period of three months purely on temporary basis on a fixed salary of Rs. 1,000,-vide order dated September 22, 1988. The Petitioner is continuing in service. She apprehended that her services are likely to be terminated. She moved this Court for a writ of prohibition against the Respondents not to terminate her services till regular appointment is made against the post on which the Petitioner was working and also a mandate to the Respondents that she be paid the same scale of pay as was paid to the regular employees.

4. Written statement has been filed on behalf of Respondent No. 2. It is, inter alia, pleaded therein that the Petitioner was appointed as a part-time Lecturer by Respondent No. 3 on a consolidated salary of Rs. 1,000 for a period of three months. She was allowed to continue against the post since no regular incumbent had been recruited. Her right flows from the contract of service contained in the appointment letter and she had no right to claim the same pay scale as is admissible to the regular employees.

5. The petition is devoid of any merit. The Petitioner was not appointed against any regular post. She was merely appointed as a part-time Lecturer on a consolidated salary of Rs. 1,000 per mensem. Undisputably, the right flows from the contract of service contained in the appointment letter. Her appointment was purely on temporary basis for a period of three months. If she was offered fresh appointment after the expiry of the initial period of three months, it will not create any vested right in her. In an identical writ petition i.e. C.W.P. No. 2951 of 1989, the stay was declined by the Motion Bench on July 12, 1989. The Petitioner in that case moved the Court through Petition for Special Leave to Appeal (Civil) No. 8952 of 1989 and the same was dismissed, -vide order dated October 19, 1989. Be that as it may, the Petitioner has no right, much less legal right, for the enforcement of her right by invoking the extraordinary jurisdiction of this Court.

6. For the reasons aforementioned, the writ petitions are dismissed with no order as to costs.