

(1996) 10 SHI CK 0019
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 827 of 1996

Raj Pal Singh

APPELLANT

Vs

H.P. Krishi Vishwa Vidyalaya

RESPONDENT

Date of Decision : 09-10-1996

Acts Referred:

Citation : (1997) 1 ShimLC 246

Hon'ble Judges : M. Srinivasan, C.J.; Kamlesh Sharma, J

Bench : Division Bench

Advocate : Ankush Sood and Anand Sharma, for the Appellant; Abhilasha Kamari, for the Respondent

Final Decision : Dismissed

Judgement

M. Srinivasan, C.J.—Even according to the application, the Petitioner was employed only in projects. The appointment letter itself shows that he was appointed on purely temporary ad hoc basis and that the services will stand terminated with discontinuance/termination of the project. It is also made clear in the letter that he can be assigned any work relating to the project concerning field of his specialisation and that he will have no right for regularisation as a later date. The Petitioner has been working in different projects and he has been accommodated in different projects as and when the project in which he was working came to an end. Thus, the Petitioner has worked in several projects and the total period of his service may be more than 10 years, but that does not give him any right to get the regularisation as a matter of right through a writ of this Court. In the reply, it is stated that every time, the Petitioner was given an appointment for particular periods, it was co-terminus with the project itself and in such a situation, the Court will not be able to help him. That position has been recently reiterated by the Supreme Court in *State of Himachal Pradesh Vs. Suresh Kumar Verma and another*, The Court said:

It is seen that the project in which the Respondents were engaged had come to an end and that, therefore, they have necessarily been terminated for want of

work. The Court cannot give any directions to re-engage them in any other work or appoint them against existing vacancies. Otherwise, the judicial process would become other mode of recruitment de hors the rules....

...The appointment on daily wages cannot be a conduit pipe for regular appointments which would be a back door entry, detrimental to the efficiency of service and would breed seeds of nepotism and corruption.

2. Learned Counsel for the Petitioner placed reliance on a Scheme framed by the Government of Himachal Pradesh, Department of Personnel and communicated to various Heads of Departments besides the Registrars, H.P. University, Shimla, H.P. Krishi Vishwa Vidyalaya, Palampur and Dr. Y.S. Parmar University of Horticulture and Forestry, Solan. No doubt, the Scheme provides that the daily waged workers whether skilled or unskilled, who have completed 10 years or more of continuous service with a minimum of 240 days in a calendar year on 31-3-1995 shall be considered for regularisation against the vacancies available in the respective organisation w.e.f 1-4-1995 only upto the number of posts available in the respective organisation and the terms and conditions of such regularisation shall be strictly on the basis of seniority subject to fitness and the fulfilment of minimum eligibility prescribed in the concerned Recruitment and Promotion Rules it is pointed out by learned Counsel for the Respondent that the University is not as such governed by the Scheme and has adopted the Scheme on its own on the lines suggested by the Government in the Scheme prepared by it in July 1995. Certainly, the Petitioner cannot claim the benefits of the Scheme because he has been employed in different projects and he was not a regular employee of the University since he had been working on daily wages. In such circumstances, this Court will not be able to give any relief to the Petitioner, as prayed for by him. The writ petition is dismissed.

3. However, it is open to the Petitioner to approach the Respondent with a representation for giving suitable regular employment, which may be considered by the Respondent on the merits thereof.

C.M.P. No 1863 of 1996:

In view of the dismissal of the writ petition, the application is also dismissed and the interim order dated 17-6-1996 is vacated.