
(2000) 09 DEL CK 0081
In the Delhi High Court
Case No : Civil Writ No. 2110 of 2000

Sanjay Kr. Sharma

APPELLANT

Vs

National Centre for Trade Information and Others

RESPONDENT

Date of Decision : 01-09-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 88 FLR 352

Hon'ble Judges : N.G. Nandi, J

Bench : Single Bench

Advocate : Mr. K.K. Sabharwal, for the Appellant; Mr. Rajiv Bansal, Ms. Raman Oberoi, for the Respondent

Judgement

N.G. Nandi, J.—In this writ petition, the petitioner-Fixed term employee prays for regularisation of his service and emoluments as per the grades applicable to Government employees.

2. The say of the petitioner is that the petitioner was selected and appointed for the post of Office Attendant/Messenger initially for a period of three months on a consolidated salary of Rs. 2125/- per month vide order dated 9.4.1999; that the petitioner as such worked from 12.4.1999 to 11.7.1999 in the first instance; with renewal of the appointment from 14.7.1999 to 13.1.2000; that the petitioner's appointment was further extended from 17.1.2000 to 31.8.2000. According to the petitioner, the appointment was made in response to advertisement for regular vacancy; that his appointment was against regular vacancy and the work rendered was of a permanent nature and that the petitioner is entitled for regularisation of his service.

3. Respondent nos.1 & 2 filed counter-affidavit and refuted the claim of the petitioner, denying that the appointment of the petitioner was against a regular post and that the appointment of the petitioner was for a fixed period which has been extended from time to time.

4. Respondent no.3 also refuted the claim of the petitioner and contended that the petitioner is not entitled for regularisation of his service as his employment is purely for a fixed period and on completion of extended term, the petitioner's services would be liable to be terminated.

5. The only question involved in this petition is whether on expiry of the fixed tenure, the employee is entitled to absorption regularisation of his service or not ?.

6. It is not disputed that respondent No.1 advertised the post of Attendant (regular) in daily Times of India dated 1.12.1997 and the petitioner applied in response thereto for the post of Attendant (regular) and that the petitioner was selected and consequently appointed to the post of Office Attendant/Messenger vide Annexure-A dated 9.4.1999. Perusal of Annexure-A suggests that the said appointment was purely temporary for a period of three months on a consolidated salary of Rs.2125/- per month and that the petitioner's appointment was initially for a fixed period of three months which was extended from time to time i.e. w.e.f. 12.4.99 to 11.7.99, 14.7.99 to 13.1.2000 and 17.1.2000 to 31.8.2000.

7. The present case is fully covered by the decision in the case of Ram Nayan Shukla Vs. District Basic Education Officer and Others 1999 Supreme Court Cases (L&S) page 631, wherein it has been held that fixed term appointment which was extended from time to time stood lapsed on expiry of last term and no right accrued in favor of the appellant to be continued beyond that. As pointed out above, in the instant case, appointment of the petitioner was for a fixed term which was extended from time to time.

8. In the case of Ajay Kumar and Others Vs. Government of NCT of Delhi & Others 2000 LLR 738, it has been held by this Court that appointment on daily wage basis does not confer any right to continue or get extension after expiry of last extension.

9. In the case of Amit Yadav & Others Vs. Delhi Vidyul Board 2222 LLR 736, this court has held that the right of the employee comes to end after the expiry of the specified period and such an employee cannot claim any right to remain in the post beyond the contract period.

10. Thus, it may be seen that the petitioner cannot claim to continue in employment beyond contract period when his employment was for a fixed period and the petitioner's appointment stood lapsed on expiry of specified /extended period i.e. on 31.8.2000 and Therefore, no right can be said to have accrued in favor of the petitioner to continue in employment beyond 31.8.2000.

In view of the above, the petitioner would not be entitled to relief of absorption/regularization claimed in the petition and the petition, Therefore, is liable to be dismissed.

11. Order accordingly.