

(2016) 06 SHI CK 0093
In the High Court Of Himachal Pradesh
Case No : LPA No. 123 of 2010.

Shashi Bala - Appellant @HASH Dr. Y.S. Parmar University of Horticulture and Forestry

Date of Decision : 15-06-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) ILRHP 1926

Hon'ble Judges : Mansoor Ahmad Mir, CJ. and Sandeep Sharma, J.

Bench : Division Bench

Advocate : Mr. Bimal Gupta, Senior Advocate, with Mr. Vineet Vashista, Advocate, for the Appellant; Ms. Nargis Thakur, Advocate, vice Mr. Balwant Singh Thakur, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Mr. Mansoor Ahmad Mir, C.J.(Oral) - This appeal is directed against the judgment, dated 18th May, 2010, passed by a learned Single Judge of this Court in CWP(T) No. 6853 of 2008, titled Shashi Bala v. Registrar, University of Horticulture and Forestry, Nauni, whereby the writ petition filed by the petitioner (appellant herein) came to be dismissed, (for short, the impugned judgment).

2. The appellant/writ petitioner invoked the jurisdiction of this Court by the medium of the writ petition and prayed for the following main reliefs, on the grounds taken in the Memo of writ petition:

"(i) That the respondent may be directed to re-engage the services of the applicant after quashing and set asiding the order dated 31.7.1999;

(ii) That the respondent may also be directed to regularise the services of the applicant as per the Government Instruction dated 8.7.1999 as such;

(iii) That the respondent may also be directed to release all the consequential benefits like seniority, pay and other admissible service benefits etc.;"

3. Respondent resisted the writ petition and filed the reply. After hearing the

learned counsel for the parties, the writ petition came to be dismissed vide the impugned judgment.

4. The petitioner was engaged as Computer Clerk in the year 1991 under the Project called ICIMOD Mountain Women Development Centre on the following conditions:

"(i) that her services can be dispensed with at any time without assigning any reason;

(ii) that she will have no claim for her regularization;

(iii) that she will have to execute an undertaking at the time of joining the post (as per proforma enclosed)."

5. The Project under which the writ petitioner was engaged came to an end in the year 1999. The writ petitioner cannot claim regularisation against a post which is not sanctioned one or for that matter, against any other post. The Writ Court has discussed this issue in paragraphs 7 and 8 of the impugned judgment and also supported his reasonings by various pronouncements, as detailed in paragraphs No. 10, 14 and 15 of the impugned judgment.

6. The Writ Court has rightly made the discussion and passed the impugned judgment, which is speaking one and legal.

7. Having said so, no interference is required in the impugned judgment and the same is upheld. As a consequence, the appeal is dismissed, along with pending CMPs, if any.