

(2011) 02 RAJ CK 0067

In the Rajasthan High Court

Case No : Civil Review Petition No. 02079 of 2011 (Def) in Civil Writ Petition No. 15826 of 2010

Smt. Manju Chouhan

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 23-02-2011

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2011) 02 RAJ CK 0067

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ajay Rastogi, J.—Petitioner was initially appointed as Gram Rojgar Sahayak in Gram Panchayat Surdia purely on contract basis pursuant to an agreement executed on 30/04/2008 for one year commencing from 01/05/2008 till 30/04/2009, which was extended up to 28/02/2011 vide order dt.26/02/2010 (Ann.2). However, her services were terminated vide order dt.24/11/2010 in terms of Cl.(i) of the contract executed between the parties after having paid one month's salary in lieu of notice - reference whereof has been made in the judgment dt. 06/12/2010, which was assailed in Special Appeal (Writ)-87/2011; however, for the reasons best known, Petitioner withdrew the special appeal with liberty to file review petition. Hence instant review petition has been preferred wherein the office has pointed out delay of 41 days - in regard to which application seeking condonation has been filed u/s 5 of the Limitation Act. Apart from the delay, this Court granted opportunity to the Counsel for arguing on merits of review petition.

2. Main thrust of the contention made by Counsel is that order dt.11/10/2010 annexed as Ann.1 to instant Review Petition was made the basis while terminating services of Petitioner vide order dt.24/11/2010 impugned in CWP-15826/2010 and such an order of termination is stigmatic; in such

circumstances, Respondents could not have passed order terminating the contract of her service, without affording opportunity of hearing or holding inquiry which is minimal requirement in compliance of principles of natural justice under the law and in absence whereof, action of Respondents authority terminating her services was wholly arbitrary warranting interference by this Court; and since the document dt.11/10/2010 could not be produced, it requires this Court to review earlier order.

3. Submission made by Counsel is wholly without substance for the reason that Petitioner was indisputably appointed purely on certain terms & conditions of the agreement executed between the parties and after having complied with Cl.(i) of the Agreement as having been taken note of by this Court while rejecting her writ petition vide judgment dt. 06/12/2010, her services were terminated vide order impugned.

4. It is not the case of Petitioner that while passing the order impugned terminating her services, clauses of contract referred to in earlier order dt.06/12/2010 have not been complied with.

5. Submission made by Counsel that order dt.11/10/2010 submitted as Ann.1 to instant review petition which makes the order of termination stigmatic, has not been taken note of, is wholly without substance for the reason that once Petitioner indisputably being appointed purely on contract basis, her services are to be regulated in terms & conditions of the agreement executed between the parties and not by statutory rules and that apart, no right has been conferred in favour of employee working purely on contract basis. It is also not the case of Petitioner that her appointment was made in due conformity of statutory rules governing the service conditions and in absence whereof, no right is otherwise conferred in her favour. This Court finds no justification which may warrant interference by way of review of judgment dt.06/12/2010 while dismissing CWP-15826/2010 on merits.

6. Consequently, review petition fails and is hereby dismissed.