

Bachiter Singh Vs. H.P. State Co-operative Marketing and Consumers' Federation Ltd.

CWPOA No. 7015 of 2019

05.04.2023 Present: Mr. M.A. Safee, Advocate, for the petitioner.
Mr. Vijay Singh Thakur, Advocate, for the respondent.

Heard learned counsel for the parties.

Taking into consideration the fact that the petitioner was appointed by the respondent and thereafter, he joined the services of the respondent, this Court is of the considered view that the termination of his service after six months on the ground that there was only one post available, is not justifiable in the eyes of law, as it is not the case of the respondent that the petitioner obtained the appointment by resorting to some illegal means. Further, as the post against which the petitioner was appointed was that of Peon-Cum-Chowkidar, it would have been in the interest of justice in case respondent-Federation rather than terminating the services of the petitioner had adjusted him against the next vacancy that became available with the Federation, by keeping his appointment in abeyance, as he was selected through a proper process. At the most, in the peculiar facts and circumstances of the case, the subsequent appointment of the petitioner could have been treated as a fresh appointment.

Be that as it may, hearing of the present petition is deferred by four weeks, to enable the learned counsel for the

respondent to have instructions as to whether the petitioner can now be adjusted against some other available vacancy.

As prayed for, list on 2nd May, 2023.

(Ajay Mohan Goel)
Judge

April 05, 2023
(bhupender)