

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1318 OF 2006

MEENA Appellant (s)
VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With office report)

WITH Civil Appeal NO. 1337 of 2006
(With office report)

Date: 24/02/2011 These appeals were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)
Mr. Tarun Gupta, Adv.
Mr. Balraj Dewan,Adv.

For Respondent(s)
Mr. Ajay Pal,Adv.
Mr. S.S. Shamsbery, Adv.
Mr. Jatinder Kumar Bhatia

UPON hearing counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed
order.

(Sukhbir Paul Kaur) (Renuka Sadana)
Court Master Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1318 OF 2006

MEENA Appellant(s)
Versus

UNION OF INDIA AND ORS. Respondent(s)

W I T H

CIVIL APPEAL NO. 1337 OF 2006

O R D E R

The appellants herein were appointed as Staff Nurse (Class III) on contract basis on a consolidated salary of Rs.7,200/- per month for a period of six months in the General Hospital, Sector 16, Chandigarh subject to various terms and conditions. The appointments were made on the basis of the recommendation of the Departmental Recruitment Selection Committee, Health Department, Chandigarh Administration. The Chandigarh Administration vide its decision dated 24th July, 2002 decided that the posts of Staff Nurses were not required to be filled up by direct recruitment, and instead through service providers.

Aggrieved by the same, the appellants approached the Tribunal and thereafter the High Court seeking for their continuance in the service.

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The High Court vide its impugned order dismissed the Writ Petition on the ground that the appellant was not a member of the service or an employee of the Administration.

In the present appeals, learned counsel for the appellants urged that the decision of the respondents is highly arbitrary in its nature because one contract employee cannot be replaced by another contract employee. Learned counsel for the appellants is right in making the submission. However, no relief could be granted to the appellants at this stage since the appellants are stated to have been relieved from the contract of service. We cannot issue any direction now to re-appoint the appellants on contract basis.

For the aforesaid reasons, the appeals are accordingly, stand dismissed.

.....J.
(B.SUDERSHAN REDDY)

.....J.
(SURINDER SINGH NIJJAR)

New Delhi,
February 24, 2011