

SUPREME COURT OF INDIA

State of H.P. through the Secretary, Agriculture to the Govt. of Himachal Pradesh,

Vs.

Nodha Ram

C.A.No.1539 of 1996

(K. Ramaswamy and G. B. Pattanaik, JJ.)

03.01.1996

ORDER

1. Leave granted.

2. Heard Counsel on both sides.

3. The facts are that the respondents were engaged on daily wages on muster roll basis in Central Scheme and were paid out of the funds provided by the Central Government. It is stated that after the Scheme was closed their services were dispensed with. When the respondents filed the writ petition in the High Court, the High Court gave interim direction on November 18, 1992 and directed their re-engagement elsewhere. Against the aforesaid interim direction, this appeal by special leave has been filed.

4. It is seen that when the project is completed and closed due to non-availability of funds, the employees have to go along with its closure. The High Court was not right in giving the direction to regularise them or to continue them in other places. No vested right is created in temporary employment. Directions cannot be given to regularise their services in the absence of any existing vacancies nor can directions be given to the State to create posts in a non-existent establishment. The Court would adopt pragmatic approach in giving directions. The directions would amount to creating of posts and continuing them despite non availability of the work. We are of the considered view that the directions issued by the High Court are absolutely illegal warranting our interference. The order of the High Court is therefore, set side.

5. The appeal is accordingly allowed. No costs.

Appeal allowed.