

State of U.P. and Others

Vs

Raj Karan Singh

Civil Appeal No. ... of 1996

(CJI A. M. Ahmadi, K. K. Mukherjee JJ)

18.03.1996

ORDER

1. Special leave granted.

2. Heard counsel on both sides. It appears that a Division Bench of the High Court comprising V. N. Khare and S. K. Mookerji, JJ. had by their order dated 27-4-1989 directed that the ad hoc appointment of the respondent may continue till a regularly-selected candidate becomes available for appointment or till his services are terminated in accordance with law or the post is abolished. Under the said interim order, the respondent is continuing to function as an Assistant Lecturer (Civil Engineering) on ad hoc basis. By the impugned order dated 26-10-1994, another Division Bench of the High Court has directed that since the respondent was retained in service beyond one year, he should be treated as on "regular service" and his services cannot be terminated without issuing any formal order. Thus the respondent was directed to be treated on regular service by the impugned order merely because by the earlier order of 27-4-1989, he was permitted to continue till a regularly-selected candidate was available. The original prayer of the respondent was for the issuance of a writ to allow him to continue till regular selection through the UPSC is made. The impugned order of 26-10-1994, therefore, goes beyond the relief claimed by the respondent in the writ petition itself. Besides, merely because a person continues under the interim orders of the Court such continuance on the post cannot and, in this case, does not confer on him any right for continuance, it does not enhance his case for regularisation. It is only an interim arrangement pending decision by the Court and cannot disturb the position in law or equities, as on the date of the petition.

3. We, therefore, allow this appeal, set aside the order dated 26-10-1994 of the Division Bench of the High Court, restore the order of 27-4-1989 and make it absolute. The writ petition will stand disposed of accordingly. No order as to costs throughout.