

Court No. - 8

Case :- WRIT - A No. - 4902 of 2023

Petitioner :- Mohmood Ahmad

Respondent :- State Of U.P. Thru. Prin. Secy. Medical Health And Family Welfare Lko. And 4 Others

Counsel for Petitioner :- Lal Bahadur Khan, Vinod Kumar Pandey

Counsel for Respondent :- C.S.C., Puneet Chandra

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the State and Sri Mohit Chandra, holding brief of Sri Puneet Chandra, learned counsel appearing for respondent No.2.
2. Present petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 19.05.2023 (Annexure No.1) passed by Chief Medical Officer Ambedkar Nagar terminating contractual engagement of the petitioner on the post of D.E.I.C. Manager under National Health Mission.
3. The petitioner was initially engaged on the said post vide offer letter dated 24.09.2016, which discloses that District Health Society would have right to terminate the services of the petitioner by giving one month's notice or an amount equivalent to one month salary in lieu of notice. The Mission Director, National Health Mission has issued guidelines regarding disengaging contractual employee on the ground of such employee indulging in irregularity or indiscipline or dereliction of duty etc.
4. Guideline dated 07.03.2019, which has been annexed as Annexure-3 to the writ petition, points out that the Committee under the Chairmanship of Chief Medical Officer of the district would be constituted in which there would be four other members as mentioned in the said guidelines itself. In respect of any alleged irregularity or indiscipline or dereliction of duty, the contract employee must be warned by writing and his response would be solicited in writing. After soliciting the response, the District Level Committee may terminate the services.
5. Admittedly, no such procedure has been followed while passing the impugned order. I find that the impugned order is not only in violation of the terms of engagement of the petitioner but it is also against the guideline

issued by none other than the Mission Director.

6. The petition is **allowed**. Impugned order dated 19.05.2023 is hereby quashed. however, it would be open to the competent authority to pass a fresh order in accordance with the guidelines and in terms of the order of engagement of the petitioner.

(Dinesh Kumar Singh, J.)

Order Date :- 12.7.2023
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