

Chief Justice's Court

Case :- SPECIAL APPEAL No. - 443 of 2022

Appellant :- Sanjev Ranjan

Respondent :- Union Of India Thru. Secy. Ministry Of Health And Family Welfare, New Delhi And 3 Others

Counsel for Appellant :- Girish Chandra Verma

Counsel for Respondent :- A.S.G.I.,C.S.C.,Mahendra Kumar Misra,Neerav Chitravanshi

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Jaspreet Singh,J.

1. Heard Dr. L. P. Mishra, learned counsel for the appellant and Shri Sandeep Dixit learned Senior Counsel alongwith Shri Neerav Chitrawanshi for the respondents no.3 and 4 and the learned Standing Counsel for the respondent no.2.
2. The instant intra court appeal has been filed against the judgment dated 12.09.2022 passed by the learned Single Judge in Writ-A No.7665 of 2021 whereby the writ petition of the appellant was dismissed.
3. Submission of the learned counsel for the appellant is that the petitioner was appointed on the post of Coordination Officer in National Health Mission under Programme Management Unit at State Programme Management Unit National Health Mission Lucknow. Since he was appointed for a period of three years and without his services being terminated, his service has been dispensed with which is not in accordance with rules and the terms of appointment.
4. It is also urged that since the work on the post of Coordination Officer is still available hence the appellant may be permitted to continue in service till the availability of the post in question. It has further been submitted that the respondents have acted arbitrarily in not even paying the emoluments till 02.07.2021 i.e. till the time the appellant had worked and rather his salary has been paid only up till 15.09.2020.
5. Per contra, learned Senior Counsel for the respondents has submitted that the appointment of the appellant was purely contractual coupled with the fact that the proposal of the Mission Director dated 02.06.2020 relating to the continuation of the appellant has been disapproved by the Government of

India on 22.10.2020 and in view thereof the post of Coordination Officer stood extinguished with effect from 31.03.2020 and consequently there is no way to accommodate the appellant and this fact has been clearly noticed by the learned Single Judge while dismissing the writ petition by means of the impugned judgment dated 12.09.2022.

6. The Court has heard learned counsel for the parties and also perused the material on record.

7. It is not disputed that the appointment of the appellant was purely contractual as shall be noticed from the appointment letter dated 4th of August, 2018. The appointment letter clearly indicated that the Mission Director had a right to terminate the service by giving one month notice for an amount equivalent to one month's salary in lieu of the notice. The appointment was effective till 31.03.2019 and it was also clearly indicated that the position of the appellant to be continued shall be subject to the approval from the Government of India.

8. It is to be noticed that once it is not disputed that the appellant was a contractual employee and there is no further approval from the Government of India for continuation, hence there can be error found in the judgment passed by the learned Single Judge who has appropriately considered the issue in light of the admitted facts including the appointment letter, contract of service as well as letter of Government of India dated 22.10.2020.

9. In this view of the matter, this Court is not inclined to interfere, however, looking into the submissions made by the learned counsel for the appellant that certain amount of salary is outstanding, we leave it open for the appellant to approach the respondents Authority by making a fresh representation raising the grievances regarding any outstanding payment and other ancillary issue and the same shall be considered by the Authority in accordance with law. It is made clear that this Court has not entered into the merits of the alleged claim of the appellant and the same shall be considered as per law expeditiously.

10. Subject to the aforesaid judgment and order dated 12.09.2022 is affirmed and the appeal is dismissed.

Order Date :- 17.7.2023

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(Jaspreet Singh, J.) (Pritinker Diwaker, C.J.)