

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 12285 of 2015
Date of decision: 11.06.2015

Geeta Sharma & others

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Vikram Singh, Advocate, for the petitioners.

Mr. Deepak Sabharwal, Addl.A.G., Haryana.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 05.06.2015 (Annexures P3 & P4), passed by respondents No.2 & 3, whereby the services of the petitioners, who are working on contract basis on the post of CHC/ASHA Coordinator/Community Mobilizers, without issuing any show cause notice and without granting any opportunity of hearing.

It is not disputed that the petitioners were initially appointed vide orders dated 29.03.2013 (Annexure P1) by the Chairman, Director Health & Family Welfare Society, Kurukshetra, for a period of 89 days. The said appointment was, thereafter, extended till 31.03.2016, by an order dated 01.04.2015 (Annexure P2). The termination order is on the basis that there were irregularities in the recruitment process by the Selection Committee and disciplinary action has been taken against the officials.

Written statement has been filed on behalf of respondents No.2 & 3, today, justifying the action and pointing out various disqualifications that the petitioners were suffering and were not qualified to hold the said posts and there,

the said lack of qualifications have come to the notice of the authorities on a complaint moved by one Suresh Kumar, who was placed in the waiting list.

Admittedly, the principles of natural justice have been violated. The petitioners' appointment had been extended till 31.03.2016. Thus, even though the petitioners are contractual employees, but their right to continue to the said post remained till 31.03.2016. In such circumstances, this Court is of the opinion that even though the petitioners were appointed on contract basis, the least the State could have done is to issue show cause notice to them and take their view, before passing the said order.

In such circumstances, order dated 05.06.2015 (Annexure P4), terminating the services of the petitioners, is quashed. It would be open to the State to take action, in accordance with law, after issuing show cause notice and after taking into consideration the reply filed by the petitioners and complying with the salutary principles of natural justice.

Writ petition stands allowed in the abovesaid terms.

11.06.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE