

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.18086 of 2015

Date of decision: 28.8.2015

Parmila and others

...Petitioners

Versus

State of Haryana and others

...Respondents

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

Present: Ms. Shalini Atri, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 31.7.2015 (Annexure P/4) passed by respondent no.2 whereby notice of 30 days to surplus Auxiliary Nursing Midwifery's (ANMs) for termination of their contract has been issued. Vide said communication services of the petitioners who are working as ANMs will be deemed to be relieved automatically.

A perusal of the advertisement on the basis of which the petitioners were appointed would go on to show that it was a contractual appointment which was upto 31.3.2013 and extendable from time to time subject to approval of higher authorities and performance. The petitioners' appointment letter dated 1.4.2015 (Annexure P/3) was for one year or upto 31.3.2016 whichever is earlier under the National Rural Health Mission Scheme on a fixed salary of ₹ 8910/-. As per Clause 1 of the appointment letter, the contract could be terminated at any time without assigning any reason by giving 30 days notice on either side. Relevant Clause reads as under:-

“1. The contract can be terminated at any time without assigning any reason with 30 days notice on either side.”

The petitioners have been given the requisite notice as per terms of contract before their tenure come to an end. Once the due procedure has been followed, the parties are bound by the contract which they have entered into, there is no scope of interference with the impugned order in exercise of jurisdiction under Article 226 of the Constitution.

Accordingly, the present writ petition is dismissed.

August 28, 2015
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(G.S.SANDHAWALIA)
Judge