

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

**CWP no.840 of 2012(O&M)**

**Date of Decision :08.10.2015**

Dharminder Chopra

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr.J.S.Saneta, Advocate for the petitioner

Mr. G.S.Wasu, Addl. AG, Haryana

Mr. Chirag Kundu, Advocate for respondent no.6.

**MAHESH GROVER, J.**

The petitioner prays for quashing of Annexure P-6 dated 14.6.2010 reversing the process of his absorption in the Public Health Department to relegate him to his original employer i.e Municipal Corporation.

The petitioner was originally an employee of the Municipal Committee, Karnal employed as Octroi Moharrir. Initially he was on ad hoc basis w.e.f 1.11.1977 but his services were regularized in Municipal Corporation, Karnal. Subsequently his services were transferred on 25.5.2000 to the office of Executive Engineer, Public Health Department on deputation basis.

Some employees of the Municipal Committee who were also

working on deputation with the Public Health filed CWP no. 20043 of 2003 which was allowed in their favour on 28.9.2004 granting them absorption in the Government Service. Non-compliance of the orders of the writ Court led to the filing of a contempt petition bearing no.850 of 2005 pursuant to which the respondents issued a circular dated 29.9.2006 mandating that 924 employees of the Municipal Corporation on deputation with the Public Health Department w.e.f 2.4.1993 should be absorbed in service subject to certain conditions indicated in the said order. Consequently, thereupon the petitioner was absorbed in Government service (Public Health) by virtue of Annexure P-3 which is now sought to be undone by the impugned order Annexure P-6 on the premise that the petitioner was not a part of the intended group to be benefitted by such an absorption since he is not one of the writ petitioners in the earlier proceedings which had led to the passing of Annexure P-2 the decision to absorb the employees to Municipal Committee into Government service.

It may be noticed the petitioner was absorbed in Govt. service on 24.11.2006 and has continued to work in the Public Health Department since then.

The petitioner pleads that the impugned order is highly arbitrary as it jeopardizes his entire career as on the one hand he loses his claim in the Public Health Department and on the other hand in the Municipal Corporation as well since the post which could have been made available to him stands abolished.

Learned counsel for the respondents contends that the petitioner was never intended to be covered under the circular Annexure P-2 warranting the absorption of employees of the Municipal Committee in the Public Health Department as the benefit of the writ petition could not be extended to him.

I am afraid such a reasoning can be termed to be perverse, particularly when the petitioner is similarly situated as the other employees and was working with the Public Health Department since 2000. Merely because the date of deputation varies would make no difference to the cause of the petitioner to distinguish him from the other employees who have been granted the benefit of the absorption. Once the benefit of absorption was given to the petitioner in the year 2006 pursuant to the decision of the respondents themselves the same cannot be withdrawn on the ground that the petitioner was not a writ petitioner before the Court in the proceedings initiated by his co-employees. Such an approach seems to be inviting unnecessary and unwarranted litigation and reflects lack of application of mind. Besides the impugned order is absolutely arbitrary and harsh, clearly jeopardizing the career of the petitioner who would have no place to go in the event of parent employer i.e Municipal Corporation having abolished the post altogether. Finding the impugned order to be unjust, the same is set aside and the writ petition is allowed. Petitioner shall continue to be an employee of the Public Health Department.

October 08, 2015

(Mahesh Grover)

**Judge**