

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

\*\*\*\*\*

**CWP No.5622 of 2015**  
**Date of Decision:19.12.2015**

\*\*\*\*\*

Parveen Kumar Sangwan

. . . .Petitioner

Versus

State of Haryana and others

. . . . Respondents

\*\*\*\*\*

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN**

\*\*\*\*\*

Present: Mr.Jatin Hans, Advocate, for the petitioner.

Mr.Pradeep Prakash Chahar, DAG, Haryana.

\*\*\*\*\*

**RAKESH KUMAR JAIN, J.**

The petitioner was appointed to the post of Tuberculosis Health Visitor (TBHV TU DTC) in District Gurgaon on contract basis on 28.11.2011. His contractual appointment was renewed by Deputy Civil Surgeon (DH & FWS), Bhiwani on 12.12.2012 and again renewed by the same Department on 12.12.2013 having been satisfied with his work. He was given one month notice on 17.4.2014 before termination of his contract on the ground that his role has been found doubtful regarding tampering of birth and death record. The petitioner filed an appeal against the notice dated 17.4.2014 to the Director General, Department of Health, Haryana but vide order dated 8.1.2015, he was not given renewal of contract after it has expired on 12.12.2014 on the ground that in the enquiry conducted by the Chief Registrar O/o DGHS, Haryana dated 13.3.2014 in which he has been found guilty and the authorities

have not recommended the renewal of his contract. By a separate application, the petitioner has placed on record copy of the enquiry report as Annexure P-6 in which the Chief Registrar has observed that it is not clear from the enquiry that which of the official of the department has been involved in the tampering of the register of birth and death and therefore, police investigation was recommended against Anganwadi workers of village Bharwan-Bass, Parveen Kumar (petitioner) and Vikas, CRA etc. The petitioner has also placed on record the observation of the SHO, PS Civil, Bhiwani as Annexure P-7 in which it is observed that the petitioner has no concern with the department of Birth and Death and therefore, he is not involved.

On the other hand, learned counsel for the State has submitted that the petitioner was working on contract basis and after the contract was over it is for the appointing authority to see as to whether the contract of the petitioner has to be renewed or not.

Learned counsel for the petitioner has submitted that he is not concerned with the renewal of his contract because it is the prerogative of the respondents but his renewal of contract has been declined only on the ground that he was alleged to have been found guilty whereas in the report dated 25.09.2013, Chief Registrar O/o DGHS, Haryana could not find him guilty and only had a doubt, therefore, recommended the case for the Police investigation in which the concerned SHO has reported that the petitioner is not involved because he does not belong to the Department of Birth and Death. It is thus submitted that the observations made in the impugned order deserves to be deleted.

I have heard learned counsel for the parties and examined the record.

From the facts, narrated hereinabove, it is apparent that there is no positive finding against the petitioner holding him guilty in the tampering of Birth and Death register as in the enquiry conducted by the Chief Registrar, he has expressed his doubt and recommended the case for the Police investigation in which the petitioner has been absolved. If the adverse remarks made in the impugned order are allowed to stay, the petitioner may not be able to get employment elsewhere and in the absence of any positive finding, it cannot be sustained. Thus, keeping in view the facts and circumstances of this case, the present petition is hereby allowed and the offending part in the order dated 8.1.2015 wherein the renewal of the contract of the petitioner has been declined because of the alleged enquiry conducted by the Chief Registrar O/o DGHS, Haryana in which he was alleged to have been found guilty is hereby deleted but maintaining the order dated 8.1.2015 whereby the recommendation has been made not to renew the contract or appointment of the petitioner. With these observations, the present petition is hereby allowed.

**19.12.2015**

*Vivek*

**(RAKESH KUMAR JAIN)**  
**JUDGE**