

COCP No.2075 of 2014 and
CWP Nos.3113 and 19373 of 2015

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

- (1) **COCP No.2075 of 2014**
Date of decision:29.09.2016
- Balwan Singh and others ...Petitioners
- Versus
- Rakesh Gupta, I.A.S. ...Respondents
- (2) **CWP No.3113 of 2015**
Date of decision:29.09.2016
- Balwan and others ...Petitioners
- Versus
- State of Haryana and others ...Respondents
- (3) **CWP No.19373 of 2015**
Date of decision:29.09.2016
- Manoj Kumar and others ...Petitioners
- Versus
- State of Haryana and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Suresh Kumar Kaushik, Advocate,
for the petitioner(s).

Mr. P.P.Chahar, DAG, Haryana.

Rakesh Kumar Jain, J.

This order shall dispose of three petitions bearing COCP No.2075 of 2014, CWP Nos.3113 and 19373 of 2015. All these cases are being disposed of together because CWP No.3113 of 2015 was ordered to be heard along with COCP No.2075 of 2014 on 23.02.2015 and CWP

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No.19373 of 2015 was ordered to be heard along with CWP No.3113 of 2015 vide order dated 15.09.2015.

COCP No.2075 of 2015 has been filed for the alleged disobedience of the order dated 01.04.2014 passed in CWP No.6297 of 2014. The order dated 01.04.2014 reads as under:-

“Petitioners have approached this Court primarily with a grievance that the salary has not been released to them since May, 2013 till date on the ground that the sanction has not been issued by the Director Health Services, Haryana-Respondent No.2 as the petitioners are paid out of the contingency fund and are working as Sweepers at full time D.C. Rates.

Notice of motion.

On the asking of the Court, Mr. Harish Rathee, learned Sr. DAG, Haryana, accepts notice on behalf of the respondents. Five copies of the Writ Petition be handed over to Mr. Rathee during the course of the day.

In case the assertion, as made by the counsel for the petitioners, is found to be correct, the salary of the petitioners be released to them within a period of 15 days' from the date of receipt of certified copy of this order.

Petition stands disposed of with above directions.

Copy of this order be given dasti to the counsel for the parties under signatures of the Special Secretary of this Court.”

Counsel for the petitioners has submitted that the petitioners have been working from the month of May, 2013 onwards but their salary has not been paid.

However, in the reply filed by the respondents, it is stated that the petitioners were not working as Sweepers or on any other posts under the Community Health Centre, Rajound or under the Primary Health Centre, Kithana, District Kaithal for the period from May, 2013 till date because

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their services were terminated from 01.04.2013 from Class-IV posts, on which they were working on DC rates, vide memo No.CHC/RJD/13/271 dated 30.03.2013 issued by the Senior Medical Officer, Community Health Centre, Rajound (Kaithal) and, thus, the petitioners are not entitled to the salary for the period from May, 2013 till date. It is also submitted that the petitioners were again hired by the Senior Medical Officer, Community Health Centre, Rajound for a period of six months from 25.08.2014 to 24.02.2015 for four hours daily but since after 24.02.2015, there was no sanction of contract by the competent authority, therefore, all the four petitioners were removed by the Senior Medical Officer, Community Health Centre, Rajound (Kaithal) vide memo No.CHC/RJD/15/307 dated 24.02.2015. Thus, it is submitted that there is no cause for filing the contempt petition as the petitioners were not in service after May, 2013 and have been paid their salary for the period they have worked from 25.08.2014 to 24.02.2015.

In CWP No.3113 of 2015, prayer has been made by the petitioners for quashing the order dated 19.01.2015 by which the petitioners were informed that their period of service of 6 months from 25.08.2014 was to expire on 24.02.2015 and their services shall be terminated on that day.

It is averred in the reply that since the permission for extension of service was not received from the competent authority after expiry of tenure of six months, therefore, the services of the petitioners have been terminated.

Counsel for the petitioners has failed to cite any law on the

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basis of which the petitioners can claim their right to the job.

In CWP No.19373 of 2015, prayer has been made to quash the condition of seeking permission by respondents No.4 to 7 from respondents No.2 and 3 regarding appointment of the petitioner for every session.

Counsel for the petitioners has not referred to any law on the basis of which declaration claimed by the petitioners can be granted.

After hearing learned counsel for the parties and keeping in view the aforesaid facts and circumstances, all the three petitions are found to be without any merit and hence, the same are hereby dismissed.

September 29, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No