

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

Date of Decision: 16.5.2016

1.CWP No.1292 of 1998 (O&M)

Atwar Singh and others

... Petitioners

Versus

The State of Punjab and others

... Respondents

2.CWP No.19664 of 1998 (O&M)

Sh.Bara Singh

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Birdavinder Singh, Advocate
for the petitioners in CWP No.1292/1998

None for the petitioner in CWP No.19664 of 1998

Mr.Harkesh Manuja, Addl.A.G., Punjab

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. This order will dispose of CWPs 1292 and 19664 of 1998 as common questions of law and facts are involved in both the writ petitions. For the sake of convenience, the facts are being taken from CWP No.1292 of 1998.
2. The petitioners were employed as Swastha Sahayak/Sanitary Supervisors/Field Workers by the Civil Surgeon, Sangrur repeatedly and from time to time. Thereafter, they were appointed under the Malaria Eradication

Programme administered by the Punjab Government and had worked for the last 10 years prior to the filing of the writ petition. The work was seasonal in nature. The petitioners and other workers were appointed for a short period of time during the summer season against vacant posts the work being seasonal in nature. They hoped for regular adjustment on those posts because the work was perennial. It appears from the contents of paragraph 4 of the writ petition that they were not in service when the writ petition was filed. They were running against time and turning overage to secure permanent employment on regular basis elsewhere, if not in the Department of Health. Some of the employees filed CWP No.14764 of 1991 in which this Court directed the State Government to frame a policy for them. Consequently, the State Government framed the “Revised Scheme for Seasonal Spray Operation and Recruitment of the Seasonal Staff” for persons working for long in the operations for Malaria eradication. They assert that as per the policy, the field workers who were employed in the districts of Punjab through Employment Exchanges on a short term basis for a fixed period for seasonal spray will be accommodated for the whole year on principle of seniority-cum-suitability (work and conduct etc.) basis at the District level, if the vacancies of the regular workers fall vacant during the spray season under Malaria Eradication Programme. In case the vacancy occurs off season, the appointments to the vacant posts would be made through the Employment Exchange out of the existing Field Workers on the basis of seniority-cum-suitability. The grievance of the petitioners is that inspite of the fact that they had the requisite experience of seasonal spray work for about 10 years, respondents no.4 and 5 have been selected against the advertised posts, but they have no prior experience of working conditions. The selection of respondents no.4 and 5 has been challenged in the writ petition. The writ petition was admitted on the first

proper within the scope of interference by this Court in exercise of extraordinary writ jurisdiction to upset those appointments or to consider directing the State Government to conduct a fresh selection in the event of setting aside of the appointments of the private respondents at this distance of time. In any event that course would not help the petitioners secure an appointment by a mandamus issued by this Court since the selection would have to be redone. Therefore, there is apparently no life is left in the writ petitions. This Court cannot interfere in the selection made long time ago and in case it is done, it would result in avoidable administrative chaos without any meaningful result. Mostly, the petition had been rendered infructuous and it is hard to breathe life into it.

3. For the foregoing reasons, I find no merit in both the writ petitions which are accordingly dismissed.

16.5.2016**MFK****(RAJIV NARAIN RAINA)
JUDGE**