

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

**CWP No.1188 of 2016  
Date of Decision:21.01.2016**

Harinder Singh & ors.

... Petitioners

Versus

State of Punjab & ors.

... Respondents

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

Present: Mr. Kashish Garg, Advocate,  
for the petitioners.

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. The services of the petitioners were disengaged on April 23, 2008. They worked in the National Rural Health Mission to spread education in urban slum components. While they worked, it was decided by the Government of India to discontinue services of male Multipurpose Health Workers [MPHW] w.e.f. April 30, 2008 and no further extension was to be granted in any case to men. The petitioners did not challenge the termination order and instead filed representations to the employer praying not to discontinue their services on the ground of gender discrimination.

2. They lamented that while their services were being terminated their counterpart female MPHW were retained in service and this action was contrary to the equality law in Article 14 of the Constitution of India. Their representation was rejected on October 8,

2012 on the ground of delay and laches. Thereafter, some of the petitioners approached this Court through CWP No.6340 of 2013. The said writ was dismissed on merits on March 22, 2013. The learned Single Judge held that since the services were contractual in nature they came to end on the expiry of the period of contract which thenceforth was never revived. Therefore, the petitioners had no case to carry to court. While passing the order learned Single Judge noticed the argument of the petitioners therein with regard to their female counterparts continuing in service but this argument did not merit acceptance of the learned Single Judge for the reason that there was nothing on record to show that the female MPHWS were still working.

3. Besides the above, the Court also noticed Annexure P-3 which was an order extending the contractual period of MPHWS(Female) up only to June 30, 2008 and there was nothing on record to show that their services were being further extended. That apart, the scheme in which the petitioners were appointed had come to an end. The National Rural Health Mission were free to make a decision according to their needs. Many years passed by.

4. The petitioners have again approached this Court with the same prayers but on the extended argument that female workers are still continuing in service and their services are likely to be regularized as is averred in the petition.

5. In the opinion of this Court when the decision-maker in the National Rural Health Mission decided not to continue male workers to serve in urban slum areas to spread the work of the scheme and to

continue the programme alone with females workers, the decision then cannot be said to be unreasonable or arbitrary. It is far safer for slum dwellers to be publicly dealt with by female MPHWS to preach and practice health issues especially with women living in urban slum areas than males for the safety and protection of women who are the most vulnerable section of society with special needs dealt with best by women workers. There is no warrant to interfere in this matter or to consider a case for reinstatement of male workers retrenched seven years ago.

6. Besides the petition suffers from delay and laches counted from the original date of termination. No relief can be granted to the petitioners unless the termination order itself is set aside. Any challenge posed for cause of action accruing in 2008 would be barred by limitation in case of suit was brought, not to speak of delay and laches in writ jurisdiction. Merely because female MPHWS are still working in the NRHM programme in urban or rural slums is no ground to reopen the cases of the petitioners foreclosed in 2008. The right to sue has become stale and dead and the remedy, if there was effectively one available for relief, stands atrophied by somnolence.

7. No merit. Dismissed.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**21.1.2016**  
**monika**