

CWP No.21244 of 2016

#1#
Manoj Kumar
2016.11.28 12:33
I attest to the accuracy and
integrity of this document

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21244 of 2016
Date of Order: 23.11.2016

Chamkaur Singh and Ors.

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Atul Goyal, Advocate for the petitioner.

Mz. P.S. Sekhon, Addl.A.G, Punjab.

JASWANT SINGH, J (ORAL)

The 14 petitioners were engaged on contract basis as Homeopathic Dispenser in the year 2010 and posted at different places from amongst 112 Community Health Centres running under the National Rural Health Mission Scheme in Homeopathic Dispensaries of Homeopathic Department. Their engagement was pursuant to a selection based on written examination conducted on 17.1.2010. One of the terms of their engagement as per appointment letter (P.2) was that their place of appointment/engagement shall be non-transferrable.

The petitioners, who are working in different Community Centres situated in different Rural areas since the year 2010 have now impugned the order dated 20.7.2016 (P.3) whereby they have been ordered to be transferred to different Homeopathic Dispensaries in violation of their terms and conditions.

Upon notice, reply on behalf of the respondent-State has been filed stating that most of the petitioners have already joined their new place of postings thereby rendering the present writ

petition as infructuous qua them and that the transfer is sought to be justified on the ground that where the petitioners were working as Homeopathic Dispensers, there are no Homeopathic Doctor available and, therefore, no purpose would have been served by keeping them at their original place of postings. They have been transferred to Homeopathic Dispensaries where Homeopathic Doctors are available so as to assist in dispensation of services to the patients.

At the time of hearing, learned counsel for the petitioners submits that except petitioner No.6-Rupinder Kaur, rest of the petitioners seek permission to withdraw the writ petition.

Request is accepted and the writ petition is dismissed as withdrawn qua all the petitioners except petitioner No.6-Rupinder Kaur.

As regards the claim of petitioner No.6 is concerned as set out in the petition, the same is untenable since the nature of engagement is such that their services can be dispensed with at any stage. The department rather than dispensation with the services of petitioner NO.6 has tried to adjust her while posting at nearest place where the work is available, therefore the action of the respondents cannot be faulted with.

In view of the aforesaid, this court finds no merit in the petition so far as petitioner No.6 is concerned.

Dismissed.

November 23, 2016
manoj

(JASWANT SINGH)
JUDGE