

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.919 of 2016

Date of Decision:-04.10.2016

Ranbir Singh & Ors.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sandeep Parkash Chahar, Advocate for the Petitioners.

JASWANT SINGH, J (ORAL)

Twelve Petitioners, namely, Ranbir Singh, Mahabir, Fateh Singh, Satbir Singh, Raj Singh, Rajbir Singh, Pardeep Kumar, Umed Singh, Razak, Ishwar Singh, Krishan Kumar and Om Singh were appointed as Swasthya Sahayaks in the years 1980, 1981, 1982, 1986 and 1987 in the office of District Malaria Officer (Civil Surgeon) Rohtak (now relocated to Jhajjar) for spraying of insecticides in the inhabited areas for restricting the breeding of mosquitoes. The appointment/engagement was on seasonal basis under the Malaria Eradication Scheme.

By filing the present writ petition they are seeking the quashing of order dated 18.08.2004 (P-6) issued by the government whereby certain posts of Swasthya Sahayaks were abolished and the remaining were notified as being of diminishing cadre. Further challenge is to the order dated

25.11.2013 (P-5) whereby the claim of the petitioners for regularization on

the post held by them has been declined on the ground that either the posts stands abolished or have been notified to be that of diminishing cadre and, therefore, no regularization can be ordered.

At the time of hearing, learned Counsel for the petitioners has very graciously conceded that the challenge to the impugned order dated 18.08.2004 (P-6) on similar ground already stands rejected by a decision of this Court rendered on 07.12.2012 in CWP No.20452 of 2012 titled as Yad Ram Vs. State of Haryana and connected writ petitions. That being so even the challenge to the impugned order (P-5) declining regularization cannot be sustained. It is not disputed that a Co-ordinate Bench in the aforesaid case has examined the issue in detail and held that on account of restructuring and right sizing of the working of the Health Department the decision to abolish some of the posts of Swasthya Sahayaks and remaining to be considered as of diminishing cadre cannot be held to be arbitrary.

In view of the above, present petition is also dismissed for the reasons recorded in CWP No.20452 of 2012 titled as Yad Ram Vs. State of Haryana & Ors. decided on 07.12.2012.

(JASWANT SINGH)
JUDGE

October 04, 2016
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>