

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

COCP No.2214 of 2015(O&M)

Date of Decision:-20.04.2017

Vinod Kumar & Ors.

.....Petitioners.

Versus

Aditya Sarup Gupta & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Gaurav Sharma, Advocate for Petitioners.

Mr. Sidharth Sanwaria, Deputy Advocate General, Haryana.

JASWANT SINGH, J (ORAL)

Petitioners who are working in the health department of Haryana are aggrieved against the order dated 24.01.2008 (P-1) passed in CWP No.5289 of 2007 wherein, the respondents were directed to allow the petitioners to continue in service as contractual employees till the time they are not replaced by employees who were appointed on regular basis.

It is averred by learned Counsel for the petitioner that the petitioners have continued as contractual employees however, their salaries has only been paid till October 2014. Since November 2014, the petitioners have not been paid the salary even though they have been performing their duties regularly. It has been further argued that although there has been no regular selection on the said posts, however, their services have been wrongly discontinued w.e.f. 4.8.2015. Thus order dated 24.01.2008 (P-1)

has been violated by the respondents. Hence the present contempt.

On the other hand learned State Counsel has argued that pursuant to order dated 6.10.2015 a compliance report dated 17.03.2016 has been filed wherein it has been submitted that the salaries of the petitioners have been released on dated 09.10.2015 (**R-1**) and thus, they are left with no grievance so far as the payment of salaries is concerned. It has been further argued that the petitioners have been granted salaries uptill 31.03.2015 because the petitioners have done their courses from the institute of “Public Health and Hygiene, Mahipalpur, New Delhi, which does not come under the purview of “Directorate of Medical Education & Research Haryana”, therefore, the petitioners were relieved from their services by the then Civil Surgeon on 31.03.2015 due to non possessing the requisite qualifications from a recognized/valid institutions. Thus, out of total sanctioned posts of 32 only 20 candidates were selected on contractual basis initially and the services of the petitioners were discontinued for the aforementioned reasons. Hence, it is prayed that the present contempt be dismissed.

After hearing learned Counsel for the parties, this Court is of the considered view that the present petition is devoid of merit and same deserves to be dismissed.

It is not in dispute that the salaries of the petitioners have been released as is evident from the compliance report dated 17.03.2016. Thus, the first prayer made by the petitioners stands complied with. As far as the second prayer of the petitioners is concerned, it is evident that the services of the petitioners have been discontinued due to non possession of the requisite qualifications from a recognized/valid institutes. Thus their services were discontinued by the respondents. In case the petitioners

were aggrieved against their removal/discontinuation of their contract, they had an alternative efficacious remedy of filing writ petition. In the present petition the validity of the orders passed by the respondents to discontinue the services of the petitioners cannot be gone into.

In view of the above, finding no merit in the present contempt petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

April 20, 2017
Vinay

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