

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

**CWP No. 1580 of 2012
Date of Decision: 10.03.2017**

Ravinder Singh

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gaurav Sharma, Advocate for
Mr. Amit Chopra, Advocate
for the petitioner.

Mr. L. S. Virk, Addl. A.G., Punjab.

Mr. V. K. Sandhir, Advocate
for respondents No. 3 to 5.

JAISHREE THAKUR, J.

The petitioner seeks to challenge the appointment of respondent No. 5 who has been appointed as Veterinary Officer in place of the petitioner.

2. It is contended that the petitioner being duly qualified was given appointment as Veterinary Pharmacist in Civil Veterinary Hospital, Mallian in District Amritsar by letter dated 03.02.2011. It is submitted that various complaints were received by the State Government about Veterinary Doctors victimizing their Veterinary Pharmacists as well as other Class-IV employees which led to the State of Punjab issuing circular dated 23.12.2010 that no action be

taken against Veterinary Pharmacists and other Class-IV employees without obtaining prior approval from the Head Office. However, respondent No. 4 while showing the petitioner as absent from duty w.e.f. 17.03.2011 to 25.03.2011 appointed respondent No. 5 as Veterinary Pharmacist in place of the petitioner. The representation was filed against the action of respondent No. 4 but no action was taken thereon. It is contended that without following due process, the services of the petitioner could not be terminated especially in view of the fact that the circular had been issued that no action be taken by Rural Veterinary Officers against Veterinary Pharmacists or Class-IV employees without prior permission from the Head Office.

3. Per contra, counsel appearing on behalf of the respondents submits that the petitioner was asked to join at Civil Veterinary Hospital, Mallian on 03.02.2011 in place of Ranjeet Singh who remained continuously absent. Furthermore, on joining, the petitioner remained absent from 17.03.2011 to 25.03.2011 which hampered working in the hospital resulting in respondent No. 5 being appointed in place of petitioner on 18.04.2011. It is argued that there is no direct lien between the petitioner and the respondents herein. Respondent No. 4 was under service contract as service provider on purely contractual basis to provide preventive vaccination on a consolidated salary of Rs. 26,000/- per month, which would also include minimum salary of Rs. 5,000/- to be given to the Veterinary Pharmacists by the Veterinary Doctor, and therefore no claim would arise against the respondents herein.

4. I have heard the counsel for the parties and have also

perused the record of the case.

5. Respondent-Zila Parishad entered into a contract of service with respondent No. 4 i.e. Jyoti Markan as service provider on purely contractual basis to provide preventive vaccination and curative animal health services etc. and as per Clause 13 of the terms and conditions of the agreement, the doctor was to be paid a consolidated salary of Rs. 26,000 /- per month and the salary would also include the minimum salary of Rs. 5,000/- to be given to the Veterinary Pharmacists by the Veterinary Doctor herself. There is nothing on the record to show that there is a direct lien between the petitioner and respondents No. 1 and 2 for the petitioner to claim appointment on the said post or to challenge the appointment of respondent No. 5. Reliance that has been placed upon Annexure P-3 does not establish that there is any appointment offered to the petitioner by Zila Parishad itself. In fact, it is a letter addressed by the Rural Veterinary Officer to the Additional Deputy Commissioner, Amritsar that a new Pharmacist has been appointed in place of Sh. Ranjeet Singh. Since respondent No. 4, the Veterinary Doctor, herself is on contract basis, she would not be in a position to offer any permanent job to the petitioner. In case, the petitioner has any grievance, the remedy would lie against respondent No. 4 and not against the State or its instrumentalities.

6. An opportunity was given to the petitioner to place on record any appointment letter issued by the Zila parishad establishing a lien with the Department which document is not forthcoming. Since the petitioner is not in a position to establish that he had been offered

a regular job/contractual/*ad hoc* job by Zila Parishad, he would not be entitled to invoke the extraordinary writ jurisdiction under Article 226 of the Constitution of India.

7. In view of the above, the writ petition is dismissed as being without any merit.

March 10, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No