

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

CWP No.23337 of 2017

DATE OF DECISION:11.10.2017

Sardool Singh & others

...Petitioners

Vs.

State of Punjab & others

..Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vishal Sodhi, Advocate
for the petitioners.

DAYA CHAUDHARY, J.(ORAL)

This petition has been filed under articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari quashing the impugned orders of termination dated 28.08.2017 (Annexure P-5), 25.08.2017 (Annexure P-6) as well as 23.08.2017(Annexure P-7) passed by respondent Nos.6 to 8 vide which the services of the petitioners have been dispensed with.

Learned counsel for the petitioners submits that the services of the petitioners have been terminated only on the ground that there is no budget whereas in other districts similarly situated persons are still continuing. The action of the respondents is not only illegal but unlawful and discriminatory.

Heard arguments of learned counsel for the petitioners and have also perused the documents on the file.

It is apparent that the petitioners and other similarly situated persons were appointed by granting minimum wages as per notification issued by Labour Commissioner Punjab from time to time under the Minimum Wages Act. It is also mentioned in certain letters that in case,

the budget is available for payment of salary, then appointment of Chowkidar be made. The concerned Senior Medical Officers are competent to decide as to whether services of Chowkidar are required or there is availability of the budget for releasing their salaries or not. In case, the budget is not there and their services are not required the services can be terminated. Only by saying that similarly situated persons are working in other districts and budget is also there, the disputed fact cannot be decided in the writ petition and petitioners cannot take example of other districts as budget is district wise. No other similarly situated person is working in the district of the petitioners. It was a condition in the appointment also and no ground is made out to interfere at this stage. However, it is pertinent to mention here that in case, any other persons like the petitioners are appointed on the same terms and conditions the respondents are directed to give preference to the petitioners.

Disposed of.

11.10.2017

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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No