

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

**CWP No.3162 of 2017 (O&M)
Date of decision: 06.03.2017**

Dr. Surya Jyoti Verma

.... Petitioner

Vs.

Union of India & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gagan Oberoi, Advocate
for the petitioner.

Mr. Varun Issar, Advocate
for respondent No.1.

RAJIV NARAIN RAINA, J. (ORAL)

By way of this writ petition, the petitioner seeks a direction against the respondent to quash the order dated 07.12.2016 whereby her appointment letter has been cancelled by an order issued one day before, that is, on 06.12.2016. The petitioner was serving in ECHS Polyclinic Nabha. She worked since 05.12.2011 as Dental Officer on contractual basis and was issued fresh contracts of service from time to time. She claimed that she has outstanding performance in her work and her conduct which was beyond the standards required for the job.

By an internal circulation, the Army Authorities issued a memo curtailing the maximum tenure of contractual staff to five years in ECHS Polyclinics.

Learned counsel appearing for respondent No.1 has passed on from the Bar a letter dated 24.09.2016 admitting that action has been taken with reference to HQ Western Command Letters dated 04.12.2012,

16.12.2014, 29.01.2015 and 16.12.2015 resting lastly on the letter dated 24.09.2016.

These internal memos have come up for judicial scrutiny before the Division Bench of this Court in ***LPA No.1691 of 2015***, titled ***Union of India & ors. vs. Paramjit Kaur*** decided on 19.12.2016 this Court holding that internal guidelines cannot change the Statutory Scheme. The rights of the petitioner flow from the Scheme which does not restrict tenure to five years.

I have, therefore, no doubt that the cancellation order is legally wrong and has been passed in ignorance of the law stated by this Court in *Paramjit Kaur* case (supra).

Accordingly, the petition is allowed and the impugned order dated 07.12.2016 is quashed and the appointment letter dated 06.12.2016 is restored.

(RAJIV NARAIN RAINA)
JUDGE

06.03.2017
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1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No