

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 23702 of 2015

Date of Decision:21.02.2018

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| Pritpal and others | | ...Petitioners |
| | Vs. | |
| State of Haryana and others | | ...Respondents |
| 2. | CWP No. 23996 of 2015 | |
| Amit and others | | ...Petitioners |
| | Vs. | |
| State of Haryana and others | | ...Respondents |
| 3. | CWP No. 24076 of 2015 | |
| Satwant Kaur and others | | ...Petitioners |
| | Vs. | |
| State of Haryana and others | | ...Respondents |
| 4. | CWP No. 24486 of 2015 | |
| Arun Rana and others | | ...Petitioners |
| | Vs. | |
| State of Haryana and others | | ...Respondents |
| 5. | CWP No. 24487 of 2015 | |
| Neeru Bala and others | | ...Petitioners |
| | Vs. | |
| State of Haryana and others | | ...Respondents |
| 6. | CWP No. 25133 of 2015 | |
| Dalbir Kaur and others | | ...Petitioners |
| | Vs. | |
| State of Haryana and others | | ...Respondents |
| 7. | CWP No. 7446 of 2016 | |
| Reema Rani and others | | ...Petitioners |
| | Vs. | |
| State of Haryana and others | | ...Respondents |

8. CWP No. 23709 of 2015

Manisha Garg and others		...Petitioners
	Vs.	
State of Haryana and others		...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jitender Kaushik, Advocate,
Mr. Bikram Chaudhary, Advocate
for the petitioners.

Mr. Harish Rathee, Senior DAG Haryana.

Mr. Pawan Kumar Longia, Advocate &
Ms. Anita Balyan, Advocate
for Union of India.

RAJIV NARAIN RAINA, J. (Oral)

These petitions are disposed of by a common order.

The petitioners were appointed on contract basis in IPHS Scheme of the Government of India run under the National Health Mission. In the written statement filed by respondent Nos. 1 to 4, it has been stated that due to shortage of funds and non-approval of the Scheme by Government of India, continuing the Scheme was not feasible. The appointment letter confirms that the petitioners were appointed as Sanitary Workers on contract basis at DC rates as per IPHC norms. An agreement was signed between the parties. The petitioners are continuing only in view of the interim orders passed by this Court on 05.11.2015. Their continuance in service and benefit of regularization cannot enure to persons who are in service of a litigious nature as explained in Secretary, State of Karnataka v. Uma Devi,

(2006) 4 SCC 1.

Be that as it may, the short point which falls for consideration is whether the services of the petitioners can be regularized. The answer is in the negative. The petitioners are not only contractual employees but are employed in a Scheme of the Government of India run by the Haryana Government on a sharing basis in the ratio of 60:40 financial arrangement. The matter is also covered by the decision in CWP No. 5975 of 2016, Dr. Vinay Gupta Vs. State of Haryana and others, decided on 16.01.2018 relating to the same Scheme. Only the weighted advantage given for experience as per *Dr. Vinay Gupta's* case for service rendered on contract would be available for the benefit of the petitioners in case they compete in any recruitment process initiated under the NHRS Scheme. And if they can be accommodated, they would be given 5 marks for the experience. The petitioners can have no further relief

With the above limitation, the petitions stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

21.02.2018

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Whether speaking/reasoned : *Yes*
Whether reportable : *No*