

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

**CWP No. 3288 of 2018 (O&M)
Date of Decision: 14.02.2018**

Tirath Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

JASWANT SINGH, J. (ORAL)

In terms of order/instructions dated 29.09.2010 **(Annexure P-1)** for Sub Health Centres under the National Rural Health Mission, Punjab, petitioner-Tirath Kumar was engaged/employed on temporary basis as *Chowkidar* in the month of February 2011 for providing security during the night times, when the lady doctors and staff were on duty. The engagement was on consolidated wages of ₹ 2,500/- (Two Thousand Five Hundred only) per month. His services have been terminated w.e.f. 31.05.2017.

By filing the present petition, the petitioner is challenging the action of Smt. Aruna Kumari, Sr. Medical Officer, Public Health Centre, Jandiala Manjke, Tehsil Phillaur, District Jalandhar (respondent No. 5), whereby the petitioner is not being permitted to mark his presence.

It is averred that the said action is in retaliation to the decision dated 26.07.2017 **(Annexure P-8)**, passed by this Court in *CWP No. 16251 of 2017*, whereby this Court had directed the respondent No. 5 to decide the

petitioner's claim regarding non-release of arrears of salary w.e.f. February

2011 till April 2017 and marking of presence.

After hearing counsel for the petitioner and perusing the document/complaint dated 17.01.2018 (**Annexure P-16**), made by Sr. Medical Officer, PHC, Jandiala to Chowki Incharge, Jandiala Manjke, Jalandhar, it is apparent that the petitioner was a suspended employee and even after terminating his services on 31.05.2017, forcibly entered into the PHC. There are serious disputed question(s) of facts, for which, this Court is not inclined to invoke the writ jurisdiction.

Dismissed.

However, the petitioner is free to seek his civil remedy in accordance with law.

February 14, 2018

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**(JASWANT SINGH)
JUDGE**

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