

CWP No.7749 of 2019 (O&M) and connected matters

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

**CWP No.7749 of 2019 (O&M)
Date of Decision: 20.08.2019**

Lakhvir Singh ... Petitioner
Versus
Union of India and others ... Respondents

CWP-8258-2019 (O&M)

Vijay Kumar Petitioner
Versus
Union of India and others Respondents

CWP No.8444 of 2019 (O&M)

Sukhdeep Kaur ...Petitioner
Versus
Union of India and others ...Respondents

CWP No.8562 of 2019 (O&M)

Rupinder Singh ...Petitioner
Versus
Union of India and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ramneek Vasudeva, Advocate,
for the petitioner(s).

Mr. Gaurav Soni, Advocate,
for the petitioner(s).

Mr. Shivoy Dhir, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

CM No.11673-CWP of 2019 in CWP No.8562 of 2019

Application is allowed, as prayed for, subject to all just exceptions.

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Main cases

This order of mine shall dispose of above-mentioned writ petitions as common facts and issues are involved therein.

2. Grievance of the petitioners, *inter alia*, is qua the orders dated:
 - (i) 26.02.2019 (Annexure P-11 in CWP No.7749 of 2019)
 - (ii) 26.02.2019 (Annexure P-8 in CWP-8258-2019)
 - (iii) 01.03.2019 (Annexure P-16 in CWP No.8444 of 2019) and
 - (iv) 01.03.2019 (Annexure P-11 in CWP No.8562 of 2019).
3. Vide abovesaid orders, the petitioners' services on the posts of Safaiwala, Peon, Dental Assistant and Dental Hygienist, respectively, in ECHS Polyclinic at different Centres have been discontinued/withdrawn. Their quashing has been sought. Further prayer has been made for issuance of a writ in the nature of *certiorari* to quash the letter dated 10.01.2019, whereby, respondent No.2 has directed withdrawal of sanction of post of Safaiwala which was earlier sanctioned vide letter dated 22.09.2003 of the Ministry of Defence.
4. Learned counsels for the petitioners contend that respondent No.2 has no power to tinker with the scheme/sanction accorded vide letter dated 22.09.2003 which has been issued by Ministry of Defence and the same is binding on respondent No.2 unless modified/withdrawn by the Ministry itself. They further contend that impugned orders/letters dated 10.01.2019, 26.02.2019 and 01.03.2019 are in violation of Division Bench Judgment dated 19.12.2016 rendered by this Court in LPA-1691-2015.
5. Having heard learned counsel for the parties and, particularly, keeping in view the stand taken by the respondent-UOI in its written statement that the services of the petitioners are governed and shall be dealt

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with in terms of Policy/Circular dated 15.02.2018 (Annexure R-3), I am of the view that the writ petitions can be disposed of without dwelling further deep into the matter.

6. Petitions deserve to be disposed of in view of the stand taken by the respondent-UOI in the written statement filed in response to the writ petition particularly para Nos.16 and 17 of the reply/affidavit, wherein it has been candidly stated that the post of Safaiwala has been re-adjusted to Central Pool by the Managing Director of ECHS Central Organization and powers have been given to the Managing Director, ECHS for shifting the vacancies of non-medical staff, by the Government of India vide letter dated 15.02.2018 (Annexure R-3).

7. Accordingly, writ petitions are disposed of with directions to the respondents to pass appropriate orders in terms of the Circular dated 15.02.2018 (Annexure R-3) and till then status quo with respect to the services of the petitioner(s) shall be maintained.

8. Photocopy of this order be placed on the file of other connected cases.

(ARUN MONGA)
JUDGE

20.08.2019
vandana/smriti

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No