

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

**CWP No.14460 of 2018 (O&M)
Date of Decision.22.07.2019**

Raman Kumar

...Petitioner

Vs

State of Haryana and others

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Dr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

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AMIT RAWAL J. (ORAL)

Petitioner in instant writ petition is seeking absorption in the office of Director, Kalpana Chawla Government Medical College and Hospital, Karnal, District Karnal as Technical Supervisor or Laboratory Technician in manpower strength of Blood Bank, Kalpna Chawla Government Medical College, Karnal.

It is contended that petitioner vide appointment order dated 10.11.1995 (Annexure P-1) through Haryana Selection Board was appointed as Laboratory Technician . Petitioner undertook training from PGIMER, Chandigarh and thereafter, was designated as Technical Supervisor for licence of blood component and in the year 2008 also obtained licence. Vide notification dated 29.11.2012 (Annexure P-2), State Government intended to transfer administrative/medical/para medical staff of General Hospital with administrative/functional control of General Hospital, Karnal to be designated as Kalpana Chawla Government Medical College and Hospital, Karnal. The Licensing Authority vide letter dated

18.10.2016 sought documents like affidavit/undertaking of Director/Incharge of Blood Bank, permission letter issued by Government under the subject of change in the name of Regional Blood Transfusion Centre, Karnal. Copies were also forwarded to Drugs Controller General (India) and the Deputy Drugs Controller. As per affidavit (Annexure P-6), against names of persons, who were found in merit, their designation was also indicated. Petitioner has been shown as Technical Supervisor in the record of Blood Bank Kalpana Chawla Government Medical College, Karnal. Other staff posted in the Regional Centre has been adjusted in Kalpana Chawla Government Medical College, Karnal ignoring petitioner whose parent cadre was Director, Health Services.

Petitioner in this regard submitted representation dated 16.10.2017 (Annexure P-12) but it remained undecided compelling him to approach this Court vide CWP No.27266 of 2017 which was disposed of vide order dated 23.02.2018 with direction to consider and decide claim of petitioner as also his representation within a period of three months. Respondents considered claim of the petitioner and rejected the same vide order dated 24.04.2018 (Annexure P-13). It is contended that impugned order is totally vexatious as being not taken into consideration facts highlighted in the representation. It is settled law that whenever name of controlling authority is changed in any department, existing staff is always absorbed. In the employees strength of the Blood Bank Kalpana Chawla Government Medical College, Karnal formerly known as Regional Blood Transfusion Centre, Karnal of General Hospital,

petitioner always figured as Technical Supervisor.

On the other hand, learned State counsel drew attention of this Court to para 1 of the written statement pointing that petitioner being an employee of Health Department, Haryana. In fact, petitioner failed to qualify for selection to the post of Laboratory Technician advertised by Kalpana Chawla Government Medical College, Karnal on transfer basis from other Government Departments under the policy of the Government of Haryana, Medical and Research Department whereby steps to fill up 50% of total posts of office staff and para medical staff on transfer basis vide notification dated 5.1.2015 (Annexure R-1) were initiated. In response to that Government caused an advertisement for selection on various posts. Petitioner also applied for Laboratory Technician but could not succeed being lower in merit. In such circumstances, claim of petitioner is wholly unsubstantiated.

I have heard learned counsel for parties and appraised paper book and of view that there is no force and merit in submissions of counsel for petitioner, for, there is no challenge to selection process i.e. merit list prepared to undertake task of filling up 50% of posts from other Government Departments. Petitioner cannot implore seeking absorption in Kalpana Chawla Government Medical College, Karnal once having not been able to make in merit list. His parent department is Director, Health Services, Civil Surgeon, Karnal. Order dated 24.04.2018 (Annexure P-13) noticed all these facts. It also indicated that letter dated 29.05.2014 of Principal Secretary to Government of Haryana Medical Education and

Research Department, which did not mention absorption of staff in the Kalpana Chawla Government Medical College, Karnal except that there was no change in the equipment, manpower, infrastructure and place of blood bank etc. In fact, petitioner is drawing salary from the office of Civil Surgeon, Karnal. He never worked as Technical Supervisor in the blood bank of Kalpana Chawla Government Medical College, Karnal. Petitioner cannot claim his absorption on the premise that from 2008 his name figured as Technical Supervisor in the licence of Regional Blood Bank Transfusion Centre, Karnal. The reasoning in the impugned order regarding admission of petitioner that entire staff appointed in the Regional Blood Transfusion Centre belongs to Health Department has not been controverted.

In such circumstances, this court cannot implore upon respondents directing them to absorb petitioner in Kalpana Chawla Government Medical College, Karnal. No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

July 22, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No