

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 38127 of 2018 (O&M)
Date of Decision: February 07, 2019

Rajni Bala

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sajjan Singh, Advocate,
for the petitioner.

Ritu Bahri, J. (Oral)

CM-1761-CWP-2019

This is an application for placing on record Annexure P-9.

For the reasons recorded in the application which is supported by an affidavit, the same is allowed. Annexure P-9 is taken on record.

CWP-38127-2018

The petitioner was working as Pharmacist on contract basis.

In compliance of order dated 21.12.2018, petitioner has placed on reply reply of demand notice filed under Section 2(A) of the Industrial Disputes Act as Annexure P/9.

As per reply filed to the demand notice under Section 2(A) of the Industrial Disputes Act, 1947, the only stand taken by the respondents before the Labour Court was that after expiry of the contractual period, petitioner did not work. The grievance of the petitioner in this petition is that persons, who were appointed along with the petitioner, after relieving the petitioner in the year 2015, have been retained.

The relieving order dated 31.07.2015 (Annexure P-4) does not show that work and conduct of the petitioner was not good. Learned counsel for the petitioner contends that persons who were appointed along with the petitioner, details given in para no.3 in this petition, are still continuing to work. Learned counsel further referred to the information given under RTI (Annexure P/6-Colly), whereby 7 posts are still lying vacant.

Notice of motion.

On the asking of Ms. Palika Monga, Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to respondent No.2 – Director, ESI Health Care, Haryana, to consider the case of the petitioner for reinstatement, if workload is available and keeping in view the persons appointed along with the petitioner have been retained and petitioner was relieved vide order dated 31.07.2015 (Annexure P/4) without commenting upon his work and conduct. This exercise shall be completed within a period of 2 months.

February 07, 2019
vkd

(Ritu Bahri)
Judge

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No