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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3467/2019
ASHISH KUMAR & ORS Petitioners
Through: Mr. Ajay Sharma, Mr. M.A. Khan
and Ms. Poonam, Advocates.
versus
GOVT. OF NCT OF DELHI & ANR Respondents
Through: Ms. Avnish Ahlawat, Ms. Ankita
Ahuja Singh and Ms. Palak
Rohmetra, Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **05.04.2019**

Vide the present petition, petitioners seek direction for setting aside the office order dated 09.10.2018 illegally issued by respondent No. 2 without following the due process of law informing thereby the doctors empanelled in Aam Aadmi Mohalla Clinics to continue with the services of the helpers and Multi Task Workers including the petitioners for two months or till new staff is recruited. They further seek a direction thereby setting aside the public notice dated nil inviting fresh applications for recruiting the new staff in place of the petitioners. Consequently, direct the respondent Nos. 1 and 2 to reinstate and continue the petitioner in their respective services in Aam Aadmi Mohalla Clinics.

The case of the petitioners is that the Pilot project came into force in the year 2016. Accordingly, they were recruited as Multi Task Workers (MTW) on remuneration of Rs. 40/- per patient for two months or till the time Pharmacist, Mohalla Clinic Assistant and MTW are empanelled whichever is earlier in Public Interest w.e.f. 28.09.2018.

The petitioners have worked from 2016 to 09.10.2018 on the Commission basis as mentioned above and their services were terminated vide order dated 09.10.2018, thereafter, the petitioners sought experience certificate from the concerned and same was issued in favour of each of the petitioners.

It is not in dispute that at the time of the recruitment of the petitioners, public notice was not issued and no proper procedure for recruitment was adopted. Thus, their entry was for a temporary arrangement based upon the remuneration of Rs. 40/- per patient.

It is the admitted case of the petitioners that a public notice was issued for empanelment in 2018, and petitioners participated for empanelment of Multi Task Workers, however, they could not get selected. Thereafter, the petitioners have filed a petition before this Court challenging the termination order and the public notice of 2018.

The petitioners were not recruited through any formal recruitment process, issuance of any public notice and they were on remuneration of Rs. 40/- per patient. Thus, they were not recruited on any regular post but they were engaged for temporary arrangement. Thereafter, all the petitioners participated in the recruitment process through public notice dated 2018 and could not be selected. Thereafter, the petitioners have no right to challenge the notification of 2018.

I find no ground in the present petition.

The same is accordingly, dismissed.

SURESH KUMAR KAIT, J

APRIL 05, 2019/rhc