

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

**CWP-11349-2020 (O&M)
Date of Decision:14.08.2020**

Naresh Kumar

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.M. Sharma, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Pleadings on record would indicate that the petitioner was engaged as an Ambulance Driver through an outsourcing agency, namely, Mayank Manpower Services on 09.03.2020 (Annexure P-2). Services of the petitioner were to be utilized under the aegis of the Health Department, State of Haryana.

Challenge in the instant writ petition is to a report submitted by an Inquiry Committee at Annexure P-5 and addressed to the Civil Surgeon, Jind.

Counsel would argue that based upon such inquiry findings, petitioner is not being permitted to perform his duties. It is argued that during the short span of engagement as a driver, he had performed his duties with complete responsibilities and there was no complaint from any quarter. It is further contended that the petitioner was not associated in any inquiry proceedings and as such the findings recorded by the Inquiry Committee at

Annexure P-5 cannot work to his prejudice.

Having heard counsel at length, this Court is of the considered view that no basis for interference in the matter is warranted.

Perusal of the document at Annexure P-5 which was submitted by the Inquiry Committee to the Civil Surgeon, Jind records that the driving licenses of a number of drivers including that of Naresh (present petitioner) were not three years old and had not been verified from the concerned departments prior to having been engaged through the outsourcing agency, namely, Mayank Manpower Services, Rohtak.

It goes without saying that for being engaged as an Ambulance driver, the incumbent ought to have sufficient experience apart from holding a valid driving license of the relevant class of vehicle.

Counsel does not dispute that the petitioner held a driving license which was not three years old and which in turn reflects lack of driving experience. Petitioner not being permitted to discharge his duties under such circumstances is a decision solely within the domain of the authorities concerned.

Even otherwise, the petitioner is not an employee under the Health Department, State of Haryana. His engagement would be seen as a private contract of service.

No interference in exercise of extraordinary writ jurisdiction of this Court is made out.

Petition is dismissed.

14.08.2020

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |