

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

**C.W.P 18195 of 2015  
Date of decision : 15.01.2020**

Mohit Premi .....Petitioner  
versus

Mission Director NHM and others ...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. S.R. Hooda, Advocate  
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G. Haryana

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**RITU BAHRI, J. (Oral)**

Petitioner has filed the present petition seeking issuance of writ in the nature of certiorari quashing the impugned oral removal of the petitioner w.e.f 01.01.2015 and impugned advertisement dated 22.08.2015 (P-1).

The petitioner was appointed on 26.04.2013 to the post of Fleet Manager on contract basis (P-2) by the Deputy-cum-President Red Cross Society, Panchkula on the recommendation of Committee. The petitioner joined on the post on 28.04.2013 and worked till 31.12.2014, as his contract was renewed from 01.07.2014 to 31.12.2014, vide letter dated 01.07.2014 (P-3). The petitioner also signed letter of contract on 24.09.2013(P-4). Respondent No. 4 on 25.08.2014 issued show cause notice to the petitioner regarding termination of his services (P-5) and respondent No. 3 and 4 issued memo dated 29.08.2014 vide which petitioner was directed to hand over all the documents under his supervision and control relating to the fleet of the Institution and to hand over the charge of the post of Fleet Manager on the same day to Sh. Rohit (Computer Operator). On 29.12.2014 (P-9) respondent No. 4 directed the petitioner to hand over the charge

with immediate effect.

On 31.08.2015, this Court passed the following order:-

*“Notice of motion for 07.09.2015*

*Process dasti only.*

*In the meanwhile, the post of Fleet Manager (RTS) sought to be filled up through advertisement dated 22.08.2015 (P-1) be kept vacant.”*

On notice of the petition, a reply has been filed on behalf of respondent Nos. 1 to 4 stating therein that petitioner was appointed by Deputy Commissioner and President, District Red Cross Branch, Panchkula for one year subject to 14 conditions mentioned in his agreement. Since he did not comply with terms and conditions of the agreement signed by him and had violated condition No. 5 (k) of the agreement, therefore, his services had been terminated.

Further several complaints dated 31.01.2013, 15.04.2014, 18.04.2014, 18.06.2014, 03.07.2014, 21.07.2014 against the petitioner were received (R-7 to R-12). Thereafter, vide letter dated 21.01.2015 (R-14), Mission Director NRHM had informed respondent No. 3 not to renew the contract of the petitioner, as in his appraisal report (R-15), it has been found that his performance was unsatisfactory. Accordingly, advertisement dated 22.08.2015 was advertised to fill up the vacant post of the Fleet Manager.

Thereafter, on 18.04.2018 vacated the stay and observed as under:-

*Civil Surgeon has appraised the performance of the petitioner as not satisfactory as reported in letter dated 17.04.2018. Docket of papers produced by the State have been perused and returned. State counsel has also produced despatch register to show an entry No. 2013 dated 08.01.2015 showing appraisal report sent to the Managing Director of National Health Mission.*

*Prima facie the petitioner does not appear to have a case*

*but his counsel is not present. The petitioner is out of service and the interim order dated 31.08.2015 directing to keep the post of Fleet Manager (RTS) vacant is not justified as urged by the learned State counsel as it is creating administrative problems. Advertisement dated 22.08.2015 has become stillborn because of the interim order. When it is the case that the work is suffering in National Health Mission, public interest demands that stay order dated 31.08.2015 is vacated subject to the result of the writ petition. The services provided under the Scheme are free. The Fleet Manager controls and supervises ambulance drivers which is a free service.*

*List on 02.05.2018.”*

Today, learned State counsel on instructions has informed the Court that since the stay was vacated by this Court, therefore, some other employee has been appointed on the vacant post of Fleet Manager, pursuant to advertisement 22.08.2015 (P-1).

After going through the reply and after hearing learned for the parties, the present petition is dismissed as firstly the petitioner was working on contract basis for one year subject to 14 conditions mentioned in his agreement. But he did not comply with terms and conditions of the agreement signed by him and had violated condition No. 5 (k) of the agreement. Further there were numerous complaints against the petitioner, which were placed on record by the respondent-department by way of filing reply. The contract of the petitioner has rightly been not renewed, keeping in view the fact that numerous complaints were pending against him.

Dismissed.

January 15, 2020  
**G Arora**

**(RITU BAHRI)**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether reportable**

**Yes**  
**No**