

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

CWP-11429-2021

Date of Decision: 01.07.2021

NARESH KUMAR

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Anshul Baghla, Advocate for
Mr. Chanderhas Yadav, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

Grievance of the petitioner, at the relevant time, working as an outsourced Class-IV employee in the Department of Health in the year 2019 that he had some family emergency owing to which he had to submit a resignation on 03.11.2019 and his request to re-induct him on contract is not being entertained merely on account of his earlier resignation.

2. Learned counsel for the petitioner submits that petitioner is 53 years old and otherwise is not of employable age anywhere else. It is his only chance and means of livelihood, if can be taken back in service, even if it is on contract as before. However, on his re-approaching the contractor as well as Department of Health, he is not being re-employed stating that once his resignation is accepted, he cannot be considered again. Learned counsel contends that it was in extreme unavoidable emergency which led the petitioner to resign earlier. Later emergency got resolved and he cannot be penalized for rest of his life just because he resigned and/or could not continue on contract even otherwise.

3. Be that as it may, petitioner though does not seem to have got any vested right to be taken back in service, since he was admittedly a contractual employee. However, writ petition is disposed of with an expectation that, in case services of the petitioner on the post earlier manned by him are still required, the respondent-Department of Health would

sympathetically consider his case and would take steps through the outsourced contractor/service provider to re-employ the petitioner on contract.

4. It is made clear that passing of the instant order shall not be construed as any direction to take the petitioner back in service. However, it is expected that the resignation of the petitioner shall not come in the way of taking him back on contract basis in case, his services are required.

5. Disposed of accordingly.

(ARUN MONGA)
JUDGE

01.07.2021

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No