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

CWP No. 15597 of 2021 (O&M)

Date of decision: 16.08.2021

Dinesh Kumar**... Petitioner**

Versus

State of Haryana and others**... Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Vivek Khatri, Advocate, for the petitioner.
Ms. Rajni Gupta, Additional Advocate General, Haryana.
(Presence marked through video conferencing).

Arun Monga, J. (Oral)

Petitioner is before this Court under extraordinary writ jurisdiction impugning an order dated 08.07.2021 whereby his contractual term as Lab Technician (out sourced through a contractor /service provider) was not renewed.

2. The petitioner pleads that he was appointed as Lab Technician initially for a period of 89 days in Civil Hospital, Gurugram, on D. C. Rates with effect from 20.02.2009 to 20.11.2009. Thereafter his contractual period was extended year after year. Subsequently, on with effect from 17.11.2017 instead of D. C. Rates, the petitioner's services were put under the new scheme, again on contractual basis though under user fee of National Health Mission. Thereafter, as before, the contractual services rendered by the petitioner were extended by the respondents for subsequent years till the passing of the impugned order.

3. Learned counsel for the petitioner contends that though the contract period of the petitioner expired on 31.3.2021, but the petitioner continued to report and discharged his duties in the same manner as before. In support thereof, he has placed copies of attendance-sheets/ roster-sheets, Annexure P-7 to P-15, P-16 to P-18, respectively.

4. Learned counsel for the petitioner further contends that despite extraction of work from the petitioner, including similarly situated other employees, they were not being paid salaries, compelling them to approach this Court, filed CWP No. 8907 of 2021. Pursuant to the order passed therein, the respondents released the salary for the months April to June 2021. Owing to the same, the behaviour of the respondents turned hostile. It is by way of a retaliation to the petitioner having raised his voice for non payment of salary that he has been punished by way of impugned order dated 08.07.2021. He has been on baseless grounds told that his contract period having got over on 31.03.2021, the same is not being extended any further, as he does not deserve to be recommended for renewal of his contract.

5. On advance service of copy of petition, learned State appears and submits that the petitioner has given a complete false narrative of facts in the petition. He has, in fact, concealed the real reasons of passing of the impugned order. She submits that pendency of the earlier writ petition and or raising voice qua non payment of the salary is not even remotely connected with the passing of the impugned order. She has drawn my attention to the reasons contained in the impugned order which *inter alia* disclose that based on a complaint made by a lady complaining of eve-teasing/ harassment, an enquiry was

conducted by a duly appointed committee. The said committee found the petitioner guilty. In view thereof, the committee recommended to not renew the contract of the petitioner. Prior to passing of the impugned order, administrative approvals of the Deputy Commissioner, Gurugram as well as Civil Surgeon, Gurugram were also sought. It was on their response that the contract of the petitioner was not renewed further under the user fee scheme.

6. Having heard the rival contentions of the learned counsels, as noted hereinabove, it is borne out that seriously disputed questions of facts are involved. The same cannot be adjudicated under extraordinary writ jurisdiction by way of merely filing of affidavits of the parties. In view thereof, this Court refrains from exercising its writ jurisdiction. The petition is accordingly dismissed with liberty to the petitioner to seek alternative remedy in ordinary course, in accordance with law, as may be available to him, if so advised.

16.08.2021

VS

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No