

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

CWP-23412-2021

Date of Decision: 18.11.2021

NAZIM

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Nafeesh Ahmed, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition, herein, is for issuance of a writ in the nature of *certiorari* for setting aside the speaking order dated 27.05.2021 (Annexure P-3) passed by respondent No.2, whereby, the claim of the petitioner has been rejected.

2. Learned counsel for the petitioner submits that the petitioner was appointed as a Lab Technician on 04.03.2014 at CHC Nuh (Mewat) under NUHM (National Urban Health Mission) Scheme in Health Department, which comes under National Health Mission (NHM). Vide order dated 18.11.2014 passed by the Civil Surgeon-cum-Chairman of District Nuh, Mewat, the services of the petitioner were terminated by giving 15 days' notice on the ground that the activity under NUHM has not been approved by the Government of India for Nuh, Mewat. Learned counsel further submits that similarly situated candidate, namely, Satish Kumar, who

was also working as Lab Technician with the petitioner, has also been removed from the services but later on, he was adjusted as Lab Technician (L.T.) under NHM at District Karnal but the claim of the petitioner has not been considered even though he has moved representation to this effect to the respondent's Office.

3. Heard.

4. On a Court query, learned counsel for the petitioner is unable to show from the record appended with the writ petition that other persons, who have been appointed in preference to the petitioner had lesser earlier tenure of serving as Lab Technician. Petitioner claims that he had served for nine months and yet, he has not been selected.

5. Be that as it may, this is no ground to interfere in the extraordinary writ jurisdiction. The employer is at liberty to employ a person of his own choice, depending upon the experience rendered even prior to his/her rendering services under the NHM, merely because petitioner had earlier served under the same mission for a period of nine months, would not make him more experienced than the one already selected.

6. In any case, the claim of the petitioner is based on his earlier short nine months' tenure rendered way back in the year 2014-15 and it is, therefore, too belated at this stage to seek benefit thereof merely because subsequently certain other similarly situated persons have been taken back on the same post under the NHM. Having acquiesced for more than five years merely because the petitioner has at this stage learnt about the appointment of so-called similarly situated persons will not make his claim any better in view of his earlier acquiescence.

7. No grounds to interfere are made out.

8. Dismissed.

November 18 , 2021

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No