

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

CWP-14807-2021

Date of decision: 20.04.2022

Ajit Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sandeep Kotla, Advocate,
For the petitioner.

Mr. Pankaj Midda, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein is for issuance of a writ in the nature of mandamus directing the respondents to reinstate/re-engage the petitioner on the post of Sanitary Supervisor/Swastha Sahayak on contract basis.

In the return filed, stand taken by the respondents is that the writ petition is liable to be dismissed on the following reasoning:-

“The petitioner has concealed the true and material facts from this Hon’ble Court. It is pertinent to mention here that every year Seasonal Spray Gang is recruited by Health Department as per DGHS direction for two terms i.e. from 1 May to 15th July and 16 July to 30th September on D.C.Rate (as per prevalent D.C.rates of Current Year) for spray of insecticides in high prevalence of Malaria cases in a particular area and the same were required in the year of 2021 (letter regarding spray strategy for the year 2021 is Annexure R-1). For the recruitment of Seasonal Spray Gang the local recruitment committee constituted by the Civil Surgeon, Ambala vide letter dated 06.04.2021 is Annexure R-2 asked the applicants (names of applicants sent by the employment exchange) to file an affidavit declaring their antecedents regarding no criminal activity or any pending cases against them and that he/she is not involved in any unlawful activities. Notice regarding requirement of filing affidavit is Annexure R-4 and letters sent by the employment exchange are Annexure R-5 and Annexure R-6. All of the applicants filed their affidavits. However, petitioner Mr. Ajit Singh did not furnish any declaration or affidavit so

on. Meanwhile, it also came to the notice of recruitment committee that a criminal case vide FIR no.51 dated 17.02.2021 has been registered against the petitioner at Police Station Mahesh Nagar, Ambala Cantt (Copy of the said FIR is Annexure R-7). The charge under said section 406, 420, 120-B IPC has been framed against the petitioner (copy of the order of charge framing is Annexure R-8) The case pertains to his involvement in financial fraud for recruitment in outsourcing service in Health Department, Ambala. Job profile of the spray worker is that he is supposed to visit houses for spray activities inside the house. Hence, the petitioner was not considered suitable for the job of spray worker for the period of 2021. It is pertinent to mention here that the employment office sent the name of the following persons:-

- A. Ramsaran son of Sh. Jhandu Ram village Zurumajra PO Gokulgarh
- B. Raj Kumar son of Shri Lachhu Ram resident of village Zaffarpur
- C. Surjeet Singh son of Shri Bhangi Ram village Barara
- D. Rajinder Kumar son of Shri Ram Lal village Simbla PO Barara
- E. Ajit Singh son of Shri Sadhu Singh village Naggal PO Industrial Area, Ambala Cantt.
- F. Raj Kumar son of Shri Naratra Ram Village Tolanwali PO Kambassi.
- G. Rajinder Kumar son of Shri Ratiram VPO Bhanokheri.

The names of above said 7 persons were sent including the petitioner (Letters of employment exchange are Annexure R-5, Annexure R-6). It is pertinent to mention here that because 5 persons were to be appointed from 7 persons. All persons who were appointed on the post of Swasthya Sahayak, submitted their affidavit with regard that no criminal case is pending against them in any Hon'ble Court and no FIR has been registered against them in any police Station and having good character. The petitioner did not submit his affidavit as required for the appointment, therefore, the name of the petitioner was rejected by the recruitment committee for the post of Swasthya Sahayak vide list dated 28.04.2021 as Annexure R-3. It is also pertinent to mention here that the above said spray work was for 5 month period and the terms of above said persons completed in the month of September 2021, therefore the answering respondent as per letter dated 30.09.2021 relieved all the persons from the work of Seasonal Spray Gang. It is pertinent to mention here that the period of Seasonal Spray Gang for the year 2021 was as "10.06.2021 to 30.09.2021". The copy of list of relieving letter is attached with the reply as Annexure R-12, Annexure R-13. "

Per contra, learned counsel for the petitioner submits that petitioner has given a specific affidavit dated 29.04.2021 (Annexure P-2) and it has not been adverted to and purposely ignored.

Disputed question as noted hereinabove cannot be decided under extraordinary writ jurisdiction. Petition is dismissed with liberty to the petitioner to seek appropriate civil remedy, if so advised.

20.04.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No