

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: August 09, 2022

CWP-24535-2016 (O&M)

Anita and others

....Petitioners

versus

State of Haryana and another

....Respondents

2. CWP-25283-2016 (O&M)

Kamlesh and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:** Mr. Ajaivir Singh, Advocate for the petitioner(s).

Mr. R.K.S. Brar, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Vide this common order and judgment, bunch of above-mentioned two writ petitions is being disposed of, since not only the facts are similar but the law points and the issues raised therein are also common. For brevity, recitals are taken from CWP-24535-2016.

2. Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the selection criteria for designation of ASHA Facilitators and the communication/ letter dated 30.09.2016 (Annexure P-1) whereby, for enrolment of ASHA Facilitators, a test has been introduced and selection criteria for their designation has been framed in a most arbitrary and unreasonable manner and without looking into the practical aspect of the matter.

3. In the return filed by respondents No.1 and 2 in CWP-24535-2016, following candid stand has been taken:-

“3. That as a matter of fact, the services of 618 ASHA Facilitators were discontinued w.e.f. October, 2015 onwards, as the GoI had approved only 50% of the proposed budget in 2015-2016. The remaining budget was re-proposed in the Supplementary Project Implementation Plan (SPIP) 2015-16 by the State, but the GoI had not approved it in the Supplementary Record of Proceedings (SRoP) 2015-16. After discontinuation of their services, ASHA Facilitators of 08 district had approached the Hon’ble High Court by way of filing bunch of Civil Writ Petitions, and subsequently vide order dated 19/09/2016 specific directions were issued to the State by this Hon’ble High Court in CWP No.17484 of 2016 titled Smt. Pisto Yadav & Others versus State of Haryana and Others (copy enclosed at Annexure-R/1) and other connected Civil Writ Petitions. The services of 618 ASHA Facilitators were restored by the State, since during pendency of the Civil Writ Petitions, the GoI had approved budget for 900 ASHA Facilitators, in RoP 2016-2017.”

4. Perusal of the above reveals that all of 618 ASHA facilitators, whose services were discontinued, were later on restored in service as Government of India subsequently had approved a budget for 900 ASHA facilitators. It is rather intriguing that petitioners, who are similarly situated, have not been meted out with the similar treatment, notwithstanding, the fact that budget was for 900 and yet only 618 were restored in service.

5. In the premise, both the writ petitions are disposed of with a direction to the respondents that all the petitioners, who have not been accorded the benefit of parity with the aforesaid 618 ASHA facilitators, be also accorded the same benefit, subject of-course to requirement of their services as on today.

6. A photocopy of this order be placed on the connected case file.

(ARUN MONGA)
JUDGE

August 09, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No