

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

CWP-2736-2017 (O&M)

Date of decision: August 17, 2022

Sumit Yadav

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 08.02.2017 (Annexure P-7) whereby services of the petitioner have been allegedly terminated.

2. Respondent No.2-Directorate of AYUSH Haryana invited applications for filling up various vacant posts, including the post of Homoeopathic Medical Officer on contract basis, vide advertisement dated Nil (Annexure P-3). Petitioner applied for the same and appeared in the written examination, and thereafter in the interview. After the interview, merit list was prepared and the petitioner was placed in the waiting list at Sr. No.1. Respondent No.3-Civil Surgeon, Narnaul issued provisional appointment letter dated 13.01.2017 (Annexure P-5) for appointment of petitioner to the post of Homoeopathic Medical Officer. Petitioner joined the said post on 18.01.2017. On 08.02.2017 (Annexure P-7), respondent No.2 directed to terminate the services of the petitioner on the ground that

respondent No.3-Civil Surgeon, Narnaul has given appointment to the petitioner without obtaining approval from the District Ayurvedic Officer, Narnaul and the Director, AYUSH.

3. Concededly appointment letter of the petitioner was issued by respondent no.3-Civil Surgeon, Narnaul, who is not the competent officer to issue appointment letter for appointment on the post in question, which is a Government service, and accordingly, only the Administrative Secretary of the Department is empowered as per the Rules of Business to make appointment on behalf of the Government. Being so, petitioner cannot on the ground of Civil Surgeon having issued provisional appointment letter stake his claim on the post in question merely on the ground that pursuant to the appointment letter, he had already served for one month.

4. I am in agreement with the defence taken in the return and the arguments of the learned State counsel which have also been canvassed on the same lines. On a Court query as to how the Civil Surgeon could have issued appointment letter which amounts to usurping the powers of Administrative Secretary, learned State counsel apprises that appropriate disciplinary proceedings were initiated against him.

5. Being so, no grounds for interference are made out.

6. Dismissed.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 17, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No