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

**CWP NO. 27977 OF 2018 (O&M)
DATE OF DECISION: 26.05.2022**

Kapil and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ashok Bhardwaj, Advocate,
for the petitioner.

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

ARUN MONGA, J. (ORAL)

CM-11763-CWP-2019

For the reasons stated in the application, same is allowed and letter contained at Annexure P-12 is taken on record, subject to all just exceptions.

MAIN CASE

Inter alia, issuance of a writ in the nature of certiorari is sought herein for quashing order dated 10.09.2018 (Annexure P-3) and order dated 14.09.2018 (Annexure P-4) vide which services of petitioners have been terminated abruptly, without issuing any prior notice.

2. Petitioners were appointed as Pharmacist on contract basis vide order dated 31.01.2013 by Civil Surgeon, Fatehabad. Later, vide an order dated 10.09.2018, their services were terminated on the ground that two pharmacists have joined against regular vacancy. Petitioners assert that they were appointed under SKS Scheme which was subsequently changed to Mukhya Mantri Muft Ilaz Yojna Scheme ("MMMIY Scheme") which is still continuing. The posts of Pharmacists under the MMIY Scheme are not against regular sanctioned posts.

3. The above mentioned fact has been admitted by the respondents in their reply to the RTI application filed by the petitioners.

4. Petitioners also seek parity with one Manoj Kumar, who was also working as Pharmacist, whose services were also terminated but later he was re-inducted. Stand of the State therein, was that he was not appointed against any vacant regular post. Vide Award dated 19.01.2017 (Annexure P-9) passed by the Labour Court-cum-Industrial Tribunal, the industrial dispute raised by workman Manoj Kumar was answered in his favour. Pursuant thereto, said Manoj Kumar was reinstated vide order dated 03.05.2017 (Annexure P-10). Hence the present petition.

5. Be that as it may, during the pendency of the writ proceedings, while services of petitioner No.1 have been retained even though the stand taken in the return is that service of both the petitioners had to be dispensed with in order to make way for regular appointees. Writ petition qua petitioner No.1 in any case is rendered infructuous and disposed of accordingly.

6. As regards petitioner No.2-Sandeep Kumar, it transpires that during the pendency of writ petition, State government has taken a policy decision to outsource the contractual employees through a newly set up Haryana Kaushal Rozgar Nigam.

7. In the premise, the writ petition qua petitioner No.2 stands disposed of with an expectation that the respondents shall accommodate petitioner No.2 by giving the benefit of length of his contractual service and entertain his application in case he applies to be taken back in service on contract basis through the aforesaid Nigam.

8. Disposed of, as above.

MAY 26, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No