

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

(204)

CWP-8750-2020

Date of Decision : September 22, 2023

Kavita**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Tajeshwar Singh Sullar, Advocate, for
Mr. P.S. Sullar, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the claim of the petitioner is that vide order dated 24.04.2020 (Annexure P-5), the services of the petitioner have been terminated on the ground that the appointment of the petitioner could not have been made keeping in view the order dated 17.03.2020 passed by this Court in CWP No.6866 of 2020.

2. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.

3. The respondents had appointed one Dr. Sangita on the post of Ayurvedic Medical Officer whose term was to expire on 31.03.2019. As Dr. Sangita was not attending her duties since December 2018 and the workload of the post of Ayurvedic Medical Officer existed, the respondents issued an

Advertisement on 25.02.2020 (Annexure P-2) inviting applications from the

eligible candidates to be appointed as Ayurvedic Medical Officer. The petitioner applied in pursuance to the same and got selected and joined the service on 20.04.2020.

4. In the meantime, Dr. Sangita, who was earlier working as Ayurvedic Medical Officer had filed CWP No.6866 of 2020 in which she had claimed that she should be allowed to continue as Ayurvedic Medical Officer and while issuing notice of motion, this Court directed that no appointment shall be made on the post against which Dr. Sangita was working. Keeping in view the order passed by this Court dated 17.03.2020 in CWP No.6866 of 2020, the services of the petitioner herein were terminated in order to comply with the order dated 17.03.2020 passed by this Court.

5. Learned counsel for the petitioner submits that once the petitioner has been selected and appointed, the petitioner is entitled to continue on the said post.

6. Learned counsel for the respondents has also filed an affidavit of Dr. Gopal Goyal dated 15.09.2023 in which, it has been mentioned that as of now, there is one post of Ayurvedic Medical Officer to be filled in the category of BCA and there are two candidates, who are claiming the same, one being the petitioner herein and the other one is Dr. Sangita and the post can only be given to one candidate and not both.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It may be noticed that CWP No.6866 of 2020 has been decided today by a separate order and relief qua the continuation in service by Dr. Sangita has not been pressed meaning thereby as of now, there is no impediment in allowing the petitioner to continue in service in pursuance to

her selection and appointment on 20.04.2020.

9. Keeping in view the facts which have been noticed hereinbefore, Dr. Sangita has already not pressed the claim to continue as Ayurvedic Medical Officer, only one candidate i.e. petitioner Kavita who remains to be appointed hence, keeping in view her selection already made and appointment order already issued, against the one post of BCA as Ayurvedic Medical Officer, Dr. Kavita be allowed to continue in service in case she is interested to continue. It is made clear that learned counsel for the petitioner has undertaken not to claim any financial benefit for the period petitioner remained out of service.

10. The present petition is disposed of in above terms.

September 22, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No