

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

119+270

CWP-12021-2023 (O&M)

Date of Decision : 18.08.2023

Amanpreet Kaur

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ramneek Vasudeva, Advocate
for the petitioner.

Mr. Anil Chawla, Advocate and
Ms. Monica Chawla, Advocate
for the respondent-UI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition is seeking setting aside of appointment of respondent No.7 as Lab Technician in ECHS Polyclinic, Doraha. The petitioner is further seeking directions to respondents to re-engage her as she was selected in the board proceedings held on 10.03.2023.

2. The petitioner was appointed as Lab Technician at ECHS Polyclinic, Samrala, District Ludhiana w.e.f. 06.06.2019 for a period of 11 months. The appointment was made on contractual basis and contract came to be extended upto 31.07.2020. The petitioner was again appointed as Lab Technician for 3 months i.e. from 06.07.2021 at ECHS Polyclinic, Doraha. The petitioner w.e.f 27.05.2022 was appointed as Lab Technician at ECHS

Polyclinic, Jagraon for 11 months. Jagraon, Samrala and Doraha fall within

jurisdiction of Station Headquarter, Ludhiana. The respondent issued advertisement dated 30.01.2023 for the post of Lab Technician at Ludhiana, Jagraon, Samrala and Doraha and petitioner applied for the post. The petitioner appeared for interview and two candidates came to be selected. The Board proceedings were approved by respondent No.4 vide letter dated 31.03.2023. On 16.03.2023 Harpreet Kaur, Lab Technician resigned from ECHS Polyclinic, Doraha and petitioner was transferred from Jagraon to Doraha w.e.f. 05.04.2023. The respondent instead of permitting the petitioner to continue at Doraha issued an advertisement dated 25.04.2023 for the post of Lab Technician for 89 days. The respondent selected Sukhbir Singh-respondent No.7 as Lab Technician at ECHS Polyclinic, Doraha w.e.f. 16.05.2023.

3. Mr. Vasudeva, Advocate *inter alia* submits that a contractual employee cannot be replaced by another contractual employee. From the perusal of board proceedings read with transfer order dated 03.04.2023 (Annexure P-9), it is quite evident that the petitioner was duly selected and thereafter transferred from Jagraon to Doraha. Had petitioner not been selected, there was no question of transfer. The petitioner was selected for 11 months vide board proceedings dated 10.03.2023 which were approved on 29.03.2023, thus, petitioner could not be removed from service. Once the petitioner was selected for 11 months in March' 2023, there was no question to re-advertise the post at Doraha and make selection of any other candidate.

4. Mr. Chawla, Advocate submits that respondent No.7 was appointed for 89 days and the said period has expired, thus, prayer of the petitioner qua challenge to appointment of respondent No.7 does not

sustain. With respect to claim of the petitioner that she was appointed in the board meeting held on 10.03.2023, Mr. Chawla, submits that from the perusal of board proceedings, it is evident that two other candidates were selected and the petitioner was depicted against expression reserved-I. The transfer order dated 03.04.2023 has no bearing with board proceedings dated 10.03.2023 because petitioner was working against earlier appointment letter which was valid upto 26.04.2023, thus, the petitioner was transferred from Jagraon to Doraha. The transfer from Jagraon to Doraha did not create right in favour of the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. From the perusal of record, it is quite evident that prayer of the petitioner qua challenge to appointment of respondent No.7 has become infructuous because respondent No.7 was appointed for 89 days and the said period has expired. The claim of the petitioner is that she was duly appointed vide board meeting dated 10.03.2023 for a period of 11 months. From the perusal of minutes of board meeting, it comes out that name of the petitioner is depicted against reserved-I. The relevant extract of the minutes of board meeting read as :

DIRECTIONS OF GOC 91 SUB AREA ON THE BOARD PROCEEDINGS HELD ON 10 MAR 2023 FOR SELECTION CONTRACTUAL STAFF FOR ECHS POLYCLINIC, LUDHIANA, DORAH, JAGRAON AND SAMRALA UNDER STN HQ ECHS CELL, LUDHIANA

1. Board proceedings in r/o selection of contractual staff of ECHS Polyclinic, Ludhiana, Jagraon, Samrala and Doraha received vide Stn HQ, Ludhiana letter No 6035/ECHS/Emp dt 27 Mar 2023 has been perused.

2. Selection of the following individuals for ECHS Polyclinic, Ludhiana, Jagraon, Samrala & Doraha is hereby approved :-

Ser No.	Name of Candidate	Appt.	Remarks
(a) to (J) XXXXXXXXXX XX			
(k)	Mrs Navjeet Kaur	Lab Tech	Selected for Samrala on vacancy reserved for Ex-Servicemen.
(l)	Mr Sandeep Kumar	Lab Tech	Selected for Jagraon on vacancy reserved for Ex-Servicemen.
(m)	Mrs Amanpreet Kaur	Lab Tech	Reserve-I
(n)	Sukhvir Singh	Lab Tech	Reserve-II
(o)	Mrs Roshani Goswami	Lab Tech	Reserve-III
(p) to all XXXXXXXXXX XX			

7.

The petitioner was indubitably appointed w.e.f. 27.05.2022 for a period of 11 months. She was posted at Jagraon and her tenure had to expire on 26.04.2023. On account of resignation of Harpreet Kaur, who was posted at ECHS Polyclinic, Doraha, seat got vacant and petitioner who was working at Jagraon was transferred to Doraha. The transfer order dated 03.04.2023 read with minutes of board meeting dated 10.03.2023 does not disclose that the petitioner was appointed for a period of 11 months against advertisement dated 30.01.2023. As petitioner was never appointed by board meeting dated 10.03.2023, thus, the claim of the petitioner that she should be allowed to continue in view of board meeting is not sustainable.
8.

The petition sans merit, thus, deserves to be dismissed and accordingly dismissed.
9.

Pending applications, if any, shall also stand disposed of.

18.08.2023

(JAGMOHAN BANSAL)
JUDGE

anju

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No