

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CWP No. 1717 of 2020
Date of Decision : 19.03.2024

Parkash Chand

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Munfaid Khan, Advocate for the petitioner.
Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that he is working on the post of Lab Technician on a consolidated salary though, the petitioner was entitled to be adjusted against the post of Lab Technician, which was advertised on 09.12.2019 (Annexure P-6) by the respondents. The further prayer of the petitioner is to allow him to continue in service on the said post.
2. In reply, the respondents have mentioned that the petitioner was allowed to continue as a Lab Technician till the approval was granted to allow the petitioner to continue in service and as, the sanction has not been accorded to continue with the contract of the petitioner and other similarly situated employees who were working on the post of

Pharmacists/Sweeper, the contract of the petitioner was not renewed after 30.06.2015.

3. Qua the post of Lab Technician advertised, the respondents have stated that the same posts have been advertised by the Haryana State Aids Control Society, which is entirely different from the National Health Mission hence, the claim of the petitioner to continue against the post under the Haryana State Aids Control Society, is liable to be rejected.

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

5. From the facts, which have already come on record, it is clear that the petitioner continued working on the said post of Lab Technician under the National Health Mission upto the date he was having approval to continue in service. The prayer of the petitioner is that though the post of Lab Technician is still existing and the same is being sought to be filled by contract basis once again, the petitioner claimed that he should be allowed to continue in service against the advertised post dated 09.12.2019 (Annexure P-6).

6. Keeping in view the reply filed by the respondents, the advertised post of Lab Technician is entirely different as the same has been advertised by the Haryana State Aids Control Society, which is a separate Institution and is not being filled under the National Health Mission where petitioner was working. As per the reply, the Haryana State Aids Control Society is running a Scheme which is 100% Sponsored Scheme by the Central Government, whereas the National Health Mission

is entirely a different Scheme with the participation of the Government of Haryana.

7. Keeping in view the said distinction, the claim of the petitioner that he should be allowed to continue against the post of Lab Technician, which has been advertised by the Haryana State Aids Control Society, cannot be accepted.

8. It may be noticed that in case, the petitioner has not been released the salary for the period he has discharged the duties, he will be at liberty to give the details by filing appropriate representation to the respondents and in case, any such claim is received by the respondents, the same be decided within a period of eight weeks from the date of receipt of copy of this order by passing an appropriate speaking order and in case, any amount is found due to the petitioner, the same be released within a further period of four weeks.

9. No other argument was raised.

10. Keeping in view the above, no ground is made out for any interference by this Court in the present petition and the same is hereby dismissed.

March 19th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No