

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136

CWP-1985-2024
Date of Decision: 31.01.2024

Bhupinder Lal

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. K.K.Jund, Sr. Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of advertisement dated 07.01.2024 (Annexure P-26) whereby respondents have invited applications for different posts including post of Safaiwala.

2. The respondent herein is Officer-In-charge, Ex-servicemen Contributory Health Scheme (Cell). The Ministry of defence has introduced ECHS to provide better medical services to Ex-servicemen and their wards. The petitioner joined respondent-organisation as Safaiwala w.e.f. 24.04.2023. There was a written contract between the parties and as per contract, the period of service is 11 months i.e. upto 23.03.2024. The respondents vide impugned advertisement dated 07.01.2024 has invited applications for different posts including posts of safaiwala. The petitioner has applied for the post. The interview is going to take place on 02.02.2024.

3. Counsel for the petitioner submits that as per policy of the respondents as well as terms and conditions of the appointment letter of the petitioner, the contractual period is 02 years. 2nd year extension is granted based on satisfactory performance in the 1st year. The petitioner has been issued certificate dated 12.01.2024 (Annexure P-25) confirming that the petitioner is an asset to organization and he is a sincere and hard working person.

4. Learned counsel for the respondents does not dispute the fact that the petitioner has been appointed for a period of 11 months and his contract can be renewed for 2nd year subject to satisfactory performance in the 1st year. He submits that the petitioner may be directed to join selection process and if he participates, the competent authority would decide his candidature keeping in mind paragraph 9 of the policy dated 22.12.2017 as well as para No.2 of earlier contract executed between the parties. Para No.9 of the policy dated 22.12.2017 and para No.2 of contract dated 24.04.2023 are reproduced as below:

Employment Duration (2017 Policy)

9. GOI, has specified the duration of contractual employment as two years wherein second year extn is granted based on satisfactory performance in the first year.

X X X X

Contract of 2023

2. The employment of the staff will be entirely contractual in nature and will be for a period of two years at the maximum based on the selection process by the competent authority subject to review of their conduct and performance after 11 months.

5. In view of above-stated paragraphs, the respondent is supposed to consider case of the petitioner for extension especially when respondent has confirmed that the petitioner is performing his duties diligently and he is a hard working person.

6. In the wake of afore-stated paragraphs and statement of counsel for the respondents, the present petition stands disposed of with the observation that the respondents would consider candidature of the petitioner in the light of the above-quoted paragraphs and the petitioner would participate in the selection process.

(JAGMOHAN BANSAL)
JUDGE

31.01.2024
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>