

CM-6423-CWP-2024 in/& -1- 2024:PHHC:054635
CWP-4158-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105 CM-6423-CWP-2024 in/&
CWP-4158-2023
Date of Decision :23.04.2024

Vikas Kumar ...Petitioner

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sube S. Kaushik, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

CM-6423-CWP-2024

Keeping in view the averments made in the application, on the request of the learned counsel for the petitioner, main writ petition is taken up today for final disposal.

CWP-4158-2023 (O&M)

1. In the present petition, challenge is to order dated 20.05.2022 (Annexure P/26) passed by the respondents by which, it was directed that the employees, who were working at various districts hospitals under the SKS Scheme, if willing to work under the HKRNL, should be allowed to continue on the prevailing terms and conditions.
2. Learned counsel for the petitioner argues that the petitioner,

who is working under N.R.H.M. should not be transferred under the jurisdiction of HKRNL as the said act will cause prejudice to him .

3. In reply to the petition, the respondents have stated that petitioner was not working under N.R.H.M. at the time of the passing of the impugned order but was working under the scheme known as Mukhya Mantri Ilaaj Yojna (MMIY). Learned counsel for the respondents submits that even as per the impugned order dated 20.05.2022, only the employee is to be deployed through HKRNL portal and that too on prevailing terms and conditions hence, in the absence of any prejudice being caused to the petitioner, petitioner is not entitled for any relief.

4. Learned counsel for the respondents further submits that the deputation order under the HKRNL in favour of the petitioner had already been passed but as the petitioner failed to join keeping in view the stay granted by this Court, the petitioner now cannot claim that he should be deputed through HKRNL.

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

6. The petitioner has to show the prejudice, which has been caused to him keeping in view the impugned order dated 20.05.2022 (Annexure P/26). In the impugned order, it has been mentioned that only the deployment of the petitioner will be through HKRNL henceforth and that too on the terms and condition on which the petitioner is already working. In the absence of any change in the terms and conditions of service, no prejudice has been caused to the petitioner.

7. During the course of arguments, learned counsel for the petitioner submits that petitioner is ready to work under the HKRNL, but the prevailing terms and conditions should not be changed.

8. It may be noticed that in the impugned order, it has been duly mentioned that there will be no change in the terms and conditions hence, the argument raised by the learned counsel for the petitioner is without even appreciating the impugned order dated 20.05.2022 (Annexure P/26).

9. In the present case, no prejudice has been caused to the petitioner as the petitioner will only be deployed through HKRNL portal on prevailing terms and conditions of the services, which the petitioner was enjoying prior to his transfer to the portal. As it has been brought to the notice of this Court that the petitioner was deputed through HKRNL but keeping in view the interim order passed by this Court, the same cannot be given effect too, let the petitioner be deployed through HKRNL.

10. Present petition stands disposed of in the above terms.

11. Civil miscellaneous application pending, if any, also stands disposed of.

April 23, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No