

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108+248

CM-1525-2024 in/and
CWP-6629-2022 (O&M)
Decided on : 07.02.2024

PARVEEN KUMAR . . .PETITIONER
Versus
STATE OF HARYANA AND OTHERS . . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. J. S. Dahiya, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

Mr. Anurag Chopra, Advocate for applicant-respondent No. 6.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance of the petitioner is that the petitioner who is working on the post of Fleet Manager since 11.12.2014 is entitled to continue in service despite expiry of his contract period on the ground that the similarly situated employees have already been allowed extension in service whereas, the petitioner has not been granted the said benefit of extension of his contract.
2. Learned counsel for the petitioner submits that the immediate supervising officer of the petitioner had evaluated the working of the petitioner and granted him 90 marks out of 100 (a copy of which has been appended as Annexures P-13 to P-15) whereas, respondent No. 6 against

whom the petitioner is alleging *mala fides* had only granted him 20 marks so that the petitioner could not get the renewal of his contract.

3. Learned counsel for the petitioner further submits that in case his performance is evaluated by any authority except respondent No. 6 and in case, after the said evaluation, the petitioner is entitled to continue in service keeping in view the marks obtained by the petitioner, the petitioner be allowed to continue in service otherwise, the petitioner is ready to face the consequences.

4. Learned counsel appearing on behalf of the respondents-State submits that the Mission Director, National Health Mission (NHM) will evaluate the work of the petitioner and then decide as to whether, keeping in view the facts and circumstances of the present case, the petitioner is entitled for the renewal of his contract or not.

Let the said consideration be carried out by the National Health Mission (NHM) within a period of four weeks from the receipt of copy of this order by passing a speaking order.

5. It may be noticed that as by an interim order dated 30.03.2022 passed by the co-ordinate Bench of this Court, the petitioner has already been allowed to continue in service, the said interim order shall remain continue till the fresh order is passed by the Mission Direction, National Health Mission (NHM) as recorded herein above. In case after passing of the order of Mission Director (NHM), the petitioner is found entitled for the benefit of extension of his contract, the same will be extended towards him, otherwise, an appropriate order is required to be passed in the facts and circumstances of the present case.

6. In case, the Director Mission, National Health Mission (NHM)

feels feasible, the petitioner be also given an opportunity of personal hearing so as to present his case before the authorities concerned so that appropriate required order is passed keeping in view the facts and circumstances of the present case.

- 7. The present petition stands disposed of in above terms.
- 8. Pending miscellaneous application, if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

07.02.2024
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No