

CWP-12766 of 2016

2025:PHHC:172813



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12766 of 2016
Date of decision: 10.12.2025

Darbara Singh
.....Petitioner
Versus
State of Punjab and others
.....Respondents

CWP-19188 of 2017

Michal Masih and others
.....Petitioners
Versus
State of Punjab and others
.....Respondents

CWP-2153 of 2018

Baljeet Singh
.....Petitioner
Versus
State of Punjab and others
.....Respondents

CWP-9331 of 2018

Baljeet Singh
.....Petitioner
Versus
State of Punjab and others
.....Respondents

CWP-9577 of 2018

Sharanjit Kaur and another
.....Petitioners
Versus
State of Punjab and others
.....Respondents

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CWP-18518 of 2019

Manwinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CWP-18543 of 2019

Jagpal Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CWP-20459 of 2021

Balwinder Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - None for the petitioner(s).

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

Mr. Anil Kumar Sharma, Advocate,
for respondents No.3 & 4 in CWP-12766-2016 &
CWP-19188-2017
for respondent No.2 in CWP-18518, 18543 of 2019,
CWP-20459 of 2021 & CWP-9331 of 2018 and
for respondent No.3 in CWP-2153-2018 & CWP-9577-2018.

NAMIT KUMAR, J. (ORAL)

1. By this common order, afore-mentioned eight writ petitions are being disposed of as common questions of law and facts are involved. For the sake of brevity, CWP-12766 of 2016 is taken as a leading case.

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2. Instant petition has been filed under Articles 226/227 of the Constitution of India, seeking a writ of certiorari for quashing the order dated 16.06.2016 (Annexure P-8), issued by respondent No.5, relieving the petitioner from service under the project “National Rural Health Mission”.

3. Learned counsel for respondents No.3 and 4 submits that the present case is squarely covered against the petitioner in view of the order dated 11.10.2017, passed in ***CWP-23337 of 2017 – Sardool Singh and others v. State of Punjab and others***, wherein similar claim raised by other similarly situated persons was rejected by this Court and the said decision has been upheld by a Division Bench of this Court in ***LPA-160 of 2018 – Sardool Singh and others v. State of Punjab and others decided on 29.01.2025***. Relevant portion from the said judgment reads as under: -

“3. Writ-petitioners, it is stated were appointed to the post of Chowkidar at three different Primary Health Centers (for short PHCs) in the State of Punjab under the Scheme i.e., National Rural Health Mission (for short ‘NRHM’). In the year 2010, respondents decided to set up 24x 7 delivery points under the said Mission to carry out operations/deliveries of newborn babies in all PHC’s and CHC’s. Requisite female staff was recruited. It is the case of writ-petitioners, who had been appointed on consolidated salary of Rs.2500/- per month and then afforded Minimum Wage, that they were discharging their duties to the satisfaction of their superiors with honesty and dedications, but their services were terminated merely on the ground of there being no budget allocated for the

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said purpose, whereas, in other districts similarly situated persons continued to work.

4. *Learned Single Bench dismissed the writ petition while noting that writ-petitioners and other similarly situated persons were appointed as Chowkidar under NRHM. The concerned Medical Officers (MOs) Senior Medical Officers (SMOs) were competent to decide as to whether services of Chowkidar were required or not in view of the availability of budget. It was held that no other similarly situated person was appointed to serve as Chowkidar in the district of writ-petitioners. It was further held that availability or otherwise of budgetary allocation is a disputed question of fact. Writ petition was dismissed while observing that in case any other person like the writ-petitioners is to be appointed on the same terms and conditions, preference be given to writ-petitioners.*

5. *Aggrieved therefrom, present appeal has been filed.*

6. *Learned counsel for the appellants vehemently argues that impugned order dated 11.10.2017 is liable to be set aside. Admittedly, appellants were appointed under the NRHM Scheme in the year 2010 on a consolidated salary firstly and thereafter, in terms of instructions dated 03.03.2016 (Annexure P2), minimum wages were afforded to appellants. Their services, it is urged have been terminated in an illegal manner on 28.08.2017, 25.08.2017 and 23.08.2017 respectively (Annexures P-5 to P-7) on the ground that budgetary allocation for salary was not made in the Budget of 2017-18. Learned counsel submits that this is opposed to record, inasmuch as in the Budget for the year 2017-18, approval for ₹100.80 Lakhs was approved for outsourcing of security and sanitation services for 105 PHCs @ ₹8000/- per month. Moreover, appointments had been made qua*

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regular vacancies, thus, termination of appellant's services in this manner is absolutely illegal, without adherence to due process of law. It is thus prayed that present appeal be allowed and impugned order dated 11.10.2017 be set aside and writ petition filed by appellant/writ-petitioners be allowed as prayed for.

7. *Learned counsel for respondents have opposed the appeal. It is pointed out that as per the Scheme in question, it is the discretion of concerned MO/SMO of the district to determine best utilization of allocated funds. Learned counsel for respondent no.3 while referring to allocation of budgetary allocation for the year 2017-18 submits that budget of ₹100.80 Lakhs was approved for 'outsource of security and sanitation services at 105, 24x7 PHCs which are delivery points @ ₹8000/- per month'. This amount of ₹8000/- to be released per month for 105 PHCs has to be utilized for the purpose of security and sanitation services. It is reiterated that it is for the concerned SMOs to decide the manner in which fund of ₹8000/- per month, has to be used. Priority in the concerned district was given to sanitation services, which cannot be faulted. It is further pointed out that budget of ₹877.30 Crores for the year 2017-18 is the State budget and not a PHC budget. The same is further bifurcated and allocated to 23 districts in the State. Funds available in the budget under various other heads cannot be diverted to retain the services of appellants/writ-petitioners. It is specified that the concerned MOs, SMOs are competent to decide whether services of Chowkidar are required or not. In case, there is no availability of budget for payment of their salaries, services of such person can be dispensed with. Therefore, services of appellants/writ-petitioners were dispensed with by competent officer(s) in accordance with law, there being no budget for release of their*

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salaries. Notice of 07 days was duly given. Learned counsel for respondents vehemently denied that appointment of appellants/writ-petitioners had been made qua any regular post. It was purely a temporary arrangement under the Scheme where initially the appellants were paid a consolidated amount of ₹2500/- per month and subsequently, they were allowed minimum wages pursuant to decision dated 26.07.2016 passed in CWP No. 21929 of 2014. Appellants/writ-petitioners have no vested right to continue in service in the given facts and circumstances.

8. *Learned counsel for respondent no.3 referred to decision dated 26.07.2016 in CWP No. 21929 of 2014 which was filed by 36 persons appointed as Chowkidars under NRHM, like present appellants. Services of some such Chowkidars had been dispensed with due to absence of budgetary allocation as is the position in present case. They challenged the action of their services being dispensed with. Stand of respondents that such appointment was purely contractual, need based and that engagement of Chowkidar for night duty was never contemplated nor envisaged under the Scheme has been duly upheld therein. Services of some such Chowkidars had been dispensed with due to absence of budgetary allocation as is the position in present case. It is thus prayed that present appeal being devoid of any merit be dismissed.*

9. *We have heard learned counsel for the parties and have gone through the record with their able assistance.*

10. *It is a matter of record that present appellants/writ-petitioners were engaged as Chowkidar by the respective MO/ SMO of the district under the Scheme floated by under NRHM in collaboration with the State*

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Government. Admittedly, engagement of appellants was purely contractual and need based. No process of selection was followed. Initially, appellants/writ-petitioners were paid a sum of ₹2500/- per month and thereafter the minimum wage in terms of order dated 26.07.2016 passed in CWP No. 21929 of 2014. Perusal of budgetary allocation indeed reveals that it is a sum of ₹8000/- per month which was provided for the purpose of outsourcing of security and sanitation services at the 105 PHCs. The said amount of ₹8000/- was to be utilized for sanitation services as well as security purposes at the discretion of the concerned MO/SMO. Priority was given to sanitation vis a vis security by the concerned SMOs which can indeed not be faulted. Furthermore, there is no material on record pointed out by learned counsel for appellants/writ-petitioners which indicates that engagement of Chowkidars for night duty is contemplated or envisaged under the Scheme. Plea raised on behalf of the appellants that they were appointed against regular vacancies/posts is totally unsubstantiated by the record, which is in-fact to the contrary. Learned counsel for appellants/writ-petitioners is unable to point out any vested right which the appellants/writ-petitioners may have to continue on the posts in question.

11. *In the given facts and circumstances, we do not find any ground whatsoever to interfere for setting aside order dated 11.10.2017 dismissing CWP No. 23337 of 2017 filed by appellants/writ-petitioners.*

12. *Learned counsel for appellants is unable to point out any illegality, infirmity or perversity in the impugned order dated 11.10.2017, passed by learned Single Bench, which calls for interference by this Court.”*

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4. Learned counsel for respondents No.3 and 4 further submits that the petitioner has raised the issue of termination in ***CWP-21929 of 2014 – Rupinderjit Singh and others v. State of Punjab and others***, wherein he was petitioner No.34 and the said claim was rejected by this Court vide order dated 26.07.2016 and relevant portion from the same reads as under: -

“At the time of hearing counsel for the petitioners submits that services of petitioner no.34-Darbara Singh are being dispensed with by Senior Medical Officer, Lalru on the ground of non-availability of funds. He thus prays for a stay of termination of his services.

The prayer is liable to be rejected in the light of nature of engagement. The officer concerned is fully competent to dispense with the engagement of the petitioner no.34 in case his services are not required or he has no funds to pay the honorarium.”

5. In the wake of above discussion, this Court is of the considered opinion that present writ petitions are bereft of merit and deserve to be dismissed and accordingly dismissed in view of the judgment passed in ***LPA-160 of 2018 (supra)***.

10.12.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No