
(2014) 07 P&H CK 0217

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition Nos. 14500 of 1992 and 2995 of 1993 (O&M)

Bhushan Lal

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision : 14-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0217

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Bikramjit Singh Patwalia, Advocate for the Appellant; Ranbir Singh Pathania, DAG, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

K. Kannan, J.

I. Civil Writ Petition No. 14500 of 1992

1. The petitioners are persons who were admitted to MD/MS courses and who had a grievance that they were not being paid scales at par with the other persons who had been appointed MD/MS courses who had been drawn from regular service in the government hospitals and who had completed the necessary years of probation and 3 years of experience. It appears that the petitioners came by favourable orders for being admitted to the course within their quota and they would refer to alleged similar prayers sought by certain other candidates in CWP No. 822 of 1988, decided on 17.09.1991 where this court was said to have directed all PCMS doctors admitted to the MD/MS course to be paid salaries for the duration of their courses. The copy of the judgment in CWP No. 822 of 1988 is itself not available for perusal but the averment in the petition has been adverted to in the reply filed by the State in contending that the benefit of parity was available only to doctors who had been in service and who had availed of leave for joining the post-graduate courses in terms of the policy laid on 23.07.1991. The copy of the policy has been filed as R1 that details

two different categories of persons, namely, of doctors, who had been in service who had completed the probation period and completed 3 years of service to be eligible for consideration of 60% of the seats as falling within the quota and that only remaining 40% was available to other candidates. The petitioners were not in service candidates who had completed number of years of service as indicated in the policy but they were either ad hoc doctors or persons who had not completed probation period. The policy requirement was that they should resign and take admission to the postgraduate courses. The petitioners' admission was pursuant to the court order but they were still required to be governed under the policy terms that allowed for a differential treatment of the above two categories. I have no doubt in my mind that a person who does a postgraduate course only enhances his own skills in the particular line that he chooses to secure special knowledge and if the rules permit payment of stipend, he cannot bargain for scales applicable to the in-house service candidates who had already been put on regular scales and who had completed the requisite number of years of service as spelt out in the policy. The plea for parity in treatment with in-service candidates is not legally tenable. I am afraid, the petitioners cannot come by any more benefit than as they have already secured through the interim order, namely, by admission to postgraduate courses.

2. The writ petition is ordered as above requiring no further reliefs to be granted to the petitioners.

II. Civil Writ Petition No. 2995 of 1993

3. There is no representation for the petitioner when the matter is called. The counsel for the State says that the prayer in the writ petition also seems to have been rendered infructuous.

Disposed of as such.