
(2013) 08 P&H CK 0319
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 16908 of 2013

Dr. Sukhdev Singh

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0319

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Ashok Kumar Arora, for the Appellant;

Final Decision : Dismissed

Judgement

Tejinder Singh Dhindsa, J.—The petitioner is a member of the PCMS Class-I service. In the month of December, 2004, the petitioner was selected for DM in Cardiology at PGI, Chandigarh as a sponsored candidate from PCMS. Accordingly, the petitioner joined PGI on 01.01.2005 for a period of 3 years i.e. from January, 2005 to December, 2007. Petitioner completed his DM (Cardiology) in December, 2007 and joined back the PCMS. The instant writ petition has been filed praying for the issuance of a writ of mandamus for directing respondent No. 1 to suitably post the petitioner against the post of Assistant Professor in the light of sponsorship certificate dated 10.12.2004 (Annexure P-1). Still further, prayer has been raised for recalling of the order dated 26.12.2012 (Annexure P-9) issued by the State Government, whereby he has been posted against the vacant post of Medical Officer at Medical College, Amritsar.

2. Counsel for the petitioner has not been able to dispute the factual position as regards the petitioner having remained absent from duty from 01.03.2008 to 18.07.2011 and then from 27.07.2011 continuously till date. Such fact also stand recited in the order dated 26.12.2012 (Annexure P-9).

3. Counsel for the petitioner would strenuously argue that upon completion of his DM (Cardiology) from PGI, Chandigarh, the petitioner was the sole PCMS Officer,

who had acquired the requisite specialization for undertaking certain cardiac procedures and in the light of the sponsorship certificate dated 10.12.2004 (Annexure P-1), he was vested with a right to be posted as Assistant Professor at a Medical College. Counsel would submit that it was on account of not having been given such posting against the post of Assistant Professor that the petitioner has been absenting himself w.e.f. 01.03.2008.

4. In the light of such peculiar situation, whereby the petitioner has been served with a charge sheet under Rule 8 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970 for having remained absent from duty without any sanctioned leave for a period of almost five years, I am not inclined to entertain the prayer as raised in the present writ petition. The claim for being posted as an Assistant Professor was open to be raised by the petitioner even in the year 2008 upon his successfully having completed DM (Cardiology). Without making any observations as regards the merit of such claim, the petitioner who is a member of the PCMS Class-I service was governed by a code of conduct but he has chosen to remain absent continuously from 01.03.2008. It would be in the fitness of things for such claim i.e. to be posted as an Assistant Professor to await the outcome of the departmental proceedings that already stands initiated against him.

5. No basis for interference is made out at this stage. The writ petition accordingly is dismissed.