

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	21.12.2023		WPSB No. 552 of 2023 <u>Hon'ble Manoj Kumar Tiwari, ACJ.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> Mr. Vipul Sharma, learned counsel for the petitioners. Mr. B. S. Parihar, learned Standing Counsel for the State. 2. By means of this petition, petitioners have sought following reliefs:- i. <i>Issue a writ, order or direction in the nature of mandamus, commanding the respondents to pay arrears of salary, allowances to the petitioners for the period, they have served in the remote hilly areas of Uttarakhand, as was being paid to the regularly appointed medical officers/permanent medical officers, working in the government hospital in terms of order dated 05.4.2019 and order dated 21.10.2020 passed by respondent no.1.</i> ii. <i>Issue a writ in the nature of mandamus, making the relevant service rules of Health Department applicable to the petitioners.</i> 3. Petitioners are serving on contract as Medical Officers in Medical Health & Family Welfare Department, Government of Uttarakhand. At the time of taking admission in Government Medical Colleges against seats for which subsidy was given by the State in tuition fee, petitioners were asked to execute a bond for compulsorily serving the State for a period of five years. After completion of their M.B.B.S. Course, petitioners were offered appointment on contract for discharging duties as Medical Officer in different Primary Health Centres/Government Hospitals within Uttarakhand State. 4. It is not in dispute that in terms of the said bond, petitioners served the State on contract basis for a

		period of five years. 5. The grievance raised by the petitioners is that they were paid less amount as remuneration compared to what was paid to the regularly appointed Medical Officer serving in Government Hospitals. 6. Learned State counsel points out that petitioners were paid remuneration, as per the conditions mentioned in the bond, which they had executed at the time of admission in MBBS course, and once they complete the period of service mentioned in the bond, they will be paid remuneration, which is payable to a regular Medical Officer. Thus, he submits that the grievance raised by petitioners, is misconceived, as they are bound by the conditions of the bond, executed by them. 7. Learned counsel for the petitioners, however, submits that Coordinate Bench of this Court had decided similar controversy in WPSB No. 179 of 2018, 'Dr. Abhishek Bandooni and others v. State of Uttarakhand and others', and thereafter, other similar writ petitions have also been decided in terms of the judgment passed in WPSB No. 179 of 2018. He, thus, submits that present writ petition may also be decided in terms of aforesaid judgment. 8. Learned State counsel admits the fact that similar controversy has been decided in the aforesaid writ petition. 9. We, accordingly, dispose of present writ petition in terms of the judgment rendered in WPSB No. 179 of 2018 dated 02.11.2018. The Secretary, Medical Health & Family Welfare, Government of Uttarakhand/Competent Authority shall take decision in the matter within six months from the date of production of certified copy of this order. (Vivek Bharti Sharma, J.) (Manoj Kumar Tiwari, ACJ.) 21.12.2023 Akash
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