



CGHC010344942026



2026:CGHC:44496

NAFR



## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPS No. 6631 of 2026

**1** - Dr. Rajesh Vastrakar S/o Shri R.P. Vastrakar Aged About 52 Years Presently Working As Senior Resident (On Deputation), District Hospital, Janjgir, District, Janjgir-Champa, (C.G.)

**2** - Dr. Naval Kishor Dhruwe S/o R.J. Dhruwe Aged About 45 Years Presently Working As Tutor/junior Resident (On Deputation), R/o Quarter No. G-4, Hospital Colony, Janjgir, District, Janjgir-Champa, (C.G.)

**3** - Dr. Iqbal Hussain S/o Shri M.A. Hussain Aged About 41 Years Presently Working As Tutor/junior Resident (On Deputation), Resident Of District Hospital, Road, Janjgir, District, Janjgir-Champa, (C.G.)

**... Petitioner(s)**

**versus**

**1** - State Of Chhattisgarh Through The Secretary, Medical Education Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, (C.G.)

**2** - State Of Chhattisgarh Through The Secretary, Public Health And Family Welfare Department, Mantralalya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, (C.G.)

**3** - State Of Chhattisgarh Through The Secretary, Finance Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, (C.G.)

**4** - Commissioner/ Director Medical Education, Swasthya Bhawan, Nava Raipur, Atal Nagar, (C.G.)

**5** - Commissioner/ Director Health Services, Swasthya Bhawan, Nava Raipur, Atal Nagar, (C.G.)

**6** - Dean Government Medical College, Janjgir-Champa District- Janjgir-Champa ,(C.G.)

**... Respondent(s)**

***(Cause title taken from CIS)***

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For Petitioner(s) : Shri Pankaj Singh, Advocate

For Respondent(s) : Shri Aditya Tiwari, Panel Lawyer

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**Hon'ble Shri Bibhu Datta Guru, Judge**

**Order on Board**

**14.10.2026**

1. The petitioner has preferred the present writ petition praying for the following reliefs:-

*(I) To quash/strike down the stipulation "without any financial benefit" occurring in, and Condition No. 1 of, the order dated 25.05.2026 bearing No. ESTB-102(1)/286/2026-MED (Annexure P/1), to the extent the same deny Non-Practising Allowance to Petitioners; and/or*

*(ii) To declare that Petitioners, having been designated on and working against the posts of Senior Resident and Tutor/Junior Resident in the Government Medical College, Janjgir-Champa under a prohibition on private practice, are entitled to Non-Practising Allowance at the rate of 25% of basic pay in terms of the Finance Department instruction dated 14.03.2011 (Annexure P/2), at par with the regularly appointed Tutor/Junior Resident/Senior Resident of the Medical Education Department; and/or*

*(iii) To direct the Respondents to compute and pay to Petitioners Non- Practising Allowance with effect from 25.05.2026, i.e., the date of their deputation, along with arrears and interest thereon at such rate as this Hon'ble Court may deem appropriate, and to continue paying the same regularly, also reckoning the said*

*allowance for the purposes of dearness allowance and retiral benefits in terms of the instruction dated 14.03.2011; and/or*

*(iv) In the alternative and without prejudice to the aforesaid, to direct Respondent No. 1 to decide the representations dated 13.07.2026 (Annexure P/3) preferred by Petitioners by a reasoned and speaking order, within such time as this Hon'ble Court may deem fit to fix; and/or*

*(v) To pass any other order(s) in favour of Petitioners as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case, with cost.*

2. According to Petitioners, they are regularly appointed doctors under the Health and Family Welfare Department, Government of Chhattisgarh, and were posted at District Hospital, Janjgir-Champa. Pursuant to the merger of the said hospital with Government Medical College, Janjgir-Champa, Respondent No. 1, vide order dated 25.05.2026, deputed the Petitioners to the Medical Education Department, designating Petitioner No. 1 as Senior Resident and Petitioner Nos. 2 and 3 as Tutor/Junior Resident, without financial benefits. The Petitioners have been

discharging the same duties as their regularly appointed counterparts and are also prohibited from private practice. However, despite the Finance Department instruction dated 14.03.2011 providing for Non-Practising Allowance (NPA) at the rate of 25% of basic pay to eligible doctors, the Petitioners are being denied the said allowance, whereas similarly situated doctors in the same institution are receiving it. The Petitioners submitted representations dated 13.07.2026 seeking grant of NPA and consequential arrears, but no decision has been taken thereon. Being aggrieved by the discriminatory denial of NPA and the arbitrary condition imposed by the order dated 25.05.2026, the Petitioners have approached this Hon'ble Court seeking appropriate relief.

3. Learned counsel for the Petitioners submits that the denial of Non-Practising Allowance (NPA) to the Petitioners, despite their discharging duties as Senior Resident and Tutor/Junior Resident and being subject to the prohibition on private practice, is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India. It is contended that, in terms of Clauses 4 and 5 of the Finance Department instruction dated 14.03.2011, the Petitioners are entitled to NPA at the rate of 25% of basic pay, and the general condition of deputation cannot override the

governing policy. The Petitioners are performing duties identical to those of regularly appointed doctors who are receiving the said allowance, and denial thereof solely on the ground of their parent department violates the principle of equal pay for equal work. Learned counsel further submits that the Petitioners have been deprived of the liberty of private practice without corresponding compensation, despite their deputation being necessitated by administrative exigency and not at their request. It is also contended that the Respondents have failed to act as a model employer and have not decided the representations dated 13.07.2026. Accordingly, learned counsel prays for quashing the impugned condition to the extent it denies NPA and for grant of the allowance with consequential arrears and other admissible benefits.

4. Learned State Counsel submits that the Petitioners are regularly appointed employees of the Directorate of Health Services (DHS), Government of Chhattisgarh, and, vide order dated 25.05.2026, issued by the Directorate of Medical Education, they have merely been designated as Senior Resident and Junior Resident in the Government Medical College, Janjgir-Champa, without any change in their parent department. It is contended that the said arrangement is purely administrative in nature and

does not confer upon the Petitioners the status of regularly appointed employees of the Medical Education Department or entitlement to the financial benefits admissible to such employees. The State further submits that the order dated 25.05.2026 expressly stipulates that the Petitioners shall not be entitled to any financial or other benefits attached to their designated posts and that their basic pay shall continue to be drawn from their parent department. It is further contended that the Petitioners do not fall within the eligible categories contemplated under the Finance Department instruction dated 14.03.2011 and, therefore, cannot claim Non-Practising Allowance (NPA) merely on the ground that they have been designated against teaching posts in the Medical Education Department. The State accordingly submits that the Petitioners cannot claim parity with regularly appointed employees of the Medical Education Department, as their parent department and service conditions remain distinct, and that the writ petition is liable to be dismissed.

5. Heard learned counsel for the parties and perused the material available on record.
6. This Court has considered the rival submissions advanced on behalf of the parties and perused the material available on

record. The Petitioners have placed reliance upon the Finance Department instruction dated 14.03.2011, particularly Clause 4 thereof, which provides as under:

**“4. प्रशासकीय अधिकारी एवं ऐसे चिकित्सा शिक्षक जिन्होंने निजी प्रैक्टिस करने की छूट नहीं प्राप्त की है, अव्यवसायिक भत्ता के पात्र होंगे।”**

7. A perusal of the aforesaid clause reveals that administrative officers and medical teachers who have not been granted permission to engage in private practice are eligible for Non-Practising Allowance. In the present case, the Petitioners have been deputed to the Government Medical College, Janjgir-Champa, vide order dated 25.05.2026, and have been designated as Senior Resident and Tutor/Junior Resident, respectively. It is the specific case of the Petitioners that they are discharging duties against the aforesaid posts and are also subject to the prohibition on private practice. The Respondents have opposed the claim primarily on the ground that the Petitioners continue to belong to their parent department and that the order of deputation expressly stipulates that no financial benefits shall be admissible to them.
8. In the considered opinion of this Court, the claim of the Petitioners is required to be examined in the light of Clause 4 of

the Finance Department instruction dated 14.03.2011. If the Petitioners are discharging duties as medical teachers against the posts to which they have been deputed and have not been granted permission to engage in private practice, their claim for Non-Practising Allowance cannot be denied merely on the ground that they continue to be borne on the establishment of their parent department. The stipulation "*without any financial benefit*" contained in the order dated 25.05.2026 cannot, by itself, defeat an entitlement flowing from the applicable policy instructions. Accordingly, subject to the applicability of the aforesaid instruction to the Petitioners, this Court finds merit in their contention that they are entitled to Non-Practising Allowance with effect from the date of their deputation, i.e., 25.05.2026.

9. In view of the aforesaid discussion, the writ petition is allowed. The Respondents are directed to calculate and pay to the Petitioners the Non-Practising Allowance admissible to them under the Finance Department instruction dated 14.03.2011, with effect from 25.05.2026, i.e., the date of their deputation, along with the consequential arrears. The aforesaid amount shall carry simple interest at the rate of 6% per annum from the date of entitlement until its actual realisation. The entire exercise

of calculation and payment shall be completed within a period of two months from the date of this order.

10. The writ petition stands allowed in the aforesaid terms.

There shall be no order as to costs.

Sd/-

**(Bibhu Datta Guru)**  
**Judge**

**Shoaib**