

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1) CWP No.11722 of 2007

Dr. Satnarain GautamPetitioner

versus

State of Haryana and othersRespondents

(2) CWP No.21398 of 2012

Dr. Ram PhalPetitioner

versus

State of Haryana and othersRespondents

Date of decision: 20.01.2015

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present:- Mr. R.K. Malik, Senior Advocate with
Ms. Rimple Sohi, Advocate for the petitioner
(in CWP No.11722 of 2007).

Mr. J. S. Yadav, Advocate,
for the petitioner (in CWP No.21398 of 2012).

Mr. Sumeet Mahajan, Addl.A.G, Haryana.

SATISH KUMAR MITTAL, J. (Oral)

This order shall dispose of two writ petitions bearing CWP No.11722 of 2007 and CWP No.21398 of 2012. In both the cases, the petitioners are working as Ayurvedic Medical Officers and have challenged the Rule 9(1)(b)(i) of Haryana Ayurvedic Department (Group-B) Service Rules, 1989. By the said Rule, 50% posts of District Ayurvedic Officers are to be filled up by promotion and remaining 50% by direct recruitment. Out of the 50% promotional posts, 1/4th posts have been reserved for the Chikitsaks (Physician)/Resident Physicians (Ayurvedic/Unani) and remaining 75% posts were reserved for Ayurvedic Medical Officers and Unani Medical Officers.

The petitioners are seeking quashing of Clause (i) of Rule 9 (1) (b) alleging that out of 50% promotional quota posts the reservation of 1/4th posts for the Chikitsaks (Physician)/Resident Physician is excessive as their strength in the cadre is very low. It has also been prayed that all the posts should form one cadre.

According to us, the fixing of the quota for a particular class in the cadre is the policy decision of the Government. In these facts, counsel for the petitioners states that the petitioners may be given another opportunity to make a representation to the appropriate Government for reconsidering the said issue after constituting the Committee of the Experts.

After hearing counsel for the parties, we are of the opinion that the prayer made by the counsel for the petitioners is justified, as 08 years have expired since the filing of the present writ petition and the Government in our opinion may reconsider the said representation, if so filed by the petitioners. Therefore, liberty is granted to the petitioners to make a comprehensive representation in this regard for reconsideration of the issue. If such a representation is made by the petitioners, we direct the State Government to constitute an Expert Committee to go into the grievance made by the petitioners and decide the entire matter expeditiously preferably within a period of three months from the date of filing of the representation.

Disposed of accordingly.

(SATISH KUMAR MITTAL)
JUDGE

20.01.2015
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(DEEPAK SIBAL)
JUDGE