

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

**CWP No.5365 of 2005
Decided on :03.08.2016**

Dr. Darbari Lal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : None for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

The petitioner has sought payment of stipend to him during the session 1998-2001 of the Postgraduate Dental Course. The stipend was denied to him by replying to the legal notice that he was working as Doctor in Municipal Corporation Delhi and had taken admission after getting study leave sanctioned. Thus, he had not signed the surety bond that he would serve with the Punjab Government for 5 years, therefore, he could not be paid the stipend.

The defence of the State is also on the same terms that the State would have no benefit of his specialization as he is working in the hospitals not with the Punjab Government but in Delhi. It has been further stated that the stipend can only be allowed to the persons who execute the bond in lieu of the payment of stipend given to them and in the absence of the execution of the bonds, the same would not have been granted. It has been further averred that the petitioner having taken study leave had no right to claim double financial benefits while doing his M.D. Medicine Course, as he was

employed with the Municipal Corporation, Delhi. The petitioner, thus, was not in a position to serve the Government of Punjab, after the completion of the course and as per the Government instructions, stipend would be given to those candidates who would execute the bond in lieu of the payment of the stipend.

It is pertinent to notice that as per Annexure P-3 itself, stipend for the 40% quota would be subject to signing the surety bond of Rs.3 lacs in the prescribed bond form. The petitioner had also started agitating for his rights after passing out of the course and without signing necessary bond, which would be clear from representation dated 03.03.2001 (Annexure P-5).

None is present on behalf of the petitioner. Accordingly, it is apparent that the petitioner has lost interest in the litigation. Resultantly, the present writ petition is dismissed for want of prosecution.

AUGUST 03, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No