

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.15274 of 2016 (O&M)
Date of Decision: 01.08.2016.

Dr. Vijay Singh & others

--Petitioners

Versus

State of Haryana and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Puneet Gupta, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J

Pleadings on record indicate that all the petitioners are serving as Veterinary Surgeons under the Department of Animal Husbandry and Dairy Development, State of Haryana. Appointment of the petitioners was in pursuance to a regular selection process. It has been averred that the essential educational qualification for the post of Veterinary Surgeon is a Bachelor Degree in Veterinary Sciences and Animal Husbandry from a recognized university. The petitioners herein are stated to possess higher qualifications than the minimum essential qualification prescribed for the post i.e. a Master's Degree or Ph.D. as the case may be. Such higher qualifications are stated to have been acquired even prior to joining the Haryana Veterinary Service.

The State Govt. vide letter dated 24.4.2014 placed on record and appended as Annexure P-4 has made admissible an incentive i.e. grant of additional increments to such Govt. employees, who acquired higher qualifications than the minimum required while in service.

The precise grievance raised in the instant petition is that the petitioners are being denied the benefit of additional increments inspite of

possessing the higher educational qualifications at the time of their entry into service while other employees, who had gained entry on the basis of the essential qualifications and have acquired the same very higher educational qualifications while in service, are being given benefit of the letter dated 24.4.2014 (Annexure P-4).

Learned counsel appearing for the petitioners would argue that denial of benefit of letter dated 24.4.2014 (Annexure P-4) would create an artificial distinction between a homogenous class of Veterinary Surgeons. It is submitted that the petitioners as also their counterparts who have acquired the higher qualifications while in service perform the same duties and functions and discharge the same set of responsibilities. It is contended that the letter dated 24.4.2014 at Annexure P-4 envisaging the incentive for acquiring higher qualifications itself contains the rationale for grant of such benefit i.e. to encourage such employees to acquire higher skills relevant to their field of work. Argument is that the petitioners have already acquired such higher skills at the time of entry into service and which is relevant to their field of work and there can be no justifiable basis to deny to the petitioners the financial incentives covered under letter dated 24.4.2014. Reliance has also been placed in support of their claim set out in the present petition upon a Division Bench judgement rendered by this Court in **Subhash Kumari Vs. State of Haryana and others, 1986(2) S.L.R, 406.**

Having heard learned counsel for the petitioners at length and having perused the pleadings on record, this Court is of the considered view that the claim of the petitioners would require examination at the hands of State Govt./competent authority i.e. respondents no.1 and 2 in the first instance. These are matters falling in the domain of policy decision making.

Court has been apprised that the petitioners have already approached the respondent authorities in terms of filing representations repeatedly but no formal decision thereupon has been taken and in any case no order has been conveyed to the petitioners.

The present writ petition is disposed of with a direction to respondents no.1 and 2 to treat the present writ petition itself as a representation, to consider the claim and grievance of the petitioners and to thereafter take a final decision thereupon by passing a well reasoned speaking order expeditiously and in any case within a period of six months from the date of receipt of a certified copy of this order.

It is clarified that the observations contained in this order shall not be construed as an expression of opinion of this Court on the merits of the claim put forth.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.08.2016

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Whether speaking/reasoned: Yes

Whether Reportable: No