

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-436-2016 (O&M)

Date of Decision: September 05, 2016

Dr. Varinder Garg and others

.....Appellants

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. G.P.S. Bal, Advocate
for the appellants.

.....

SURYA KANT, J.

The appellants, who are in-service doctors and members of Punjab Civil Medical Services, got admission in Post Graduate Courses in the in-service Quota and consciously furnished bonds to the sum of Rs.10 lacs with an undertaking that they will not leave the Government service for ten years after completion of their Post Graduate Course.

It appears that in previous years some doctors, when they were asked to furnish such bonds, approached this Court and obtained an interim order in respect of the amount of bonds. They were, thus permitted to execute the bond for a lower amount. Those doctors having succeeded in the Court case, the appellants also filed the writ petition claiming similar benefits.

Learned Single Judge has turned down their claim observing that the cited decision was distinguishable as there the doctors never furnished the bond of Rs.10 lacs whereas in the case in hand the appellants have done so and they cannot be allowed to wriggle out of the terms and conditions

thereof.

We have heard the learned counsel for the appellants and gone through the record.

We do not find any legal infirmity in the view taken by the learned Single Judge. Once the appellants with open eyes executed the bond and undertook to serve the State for ten years failing which they would compensate the State with Rs.10 lacs, they cannot be permitted to bye-pass such condition imposed in public interest. This Court cannot be unmindful of the fact that the Post Graduate Degree Courses are imparted to in-service doctors at the cost of tax-payers, with expectation that on acquiring specialised qualification, they would better serve the public at large. If the appellants, or for that matter other doctors on acquisition of such qualification intend to indulge in profiteering through private practice, they must repay the tax-payers' money and then only they should be permitted to leave the Government job. There is thus nothing wrong in imposition of pre-emptory terms and conditions on the in-service doctors.

Dismissed.

Since we have decided the appeal on merits, no separate order is required to be passed on the application for condonation of delay of 545 days in filing the appeal.

(SURYA KANT)
JUDGE

September 05, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No