

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

**CWP-17230-2016 (O&M)
Date of decision: 27.01.2017**

Dr. Yaswinder Chalotra and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.K. Malik, Sr. Advocate, with
Mr. Mandeep Singh, Advocate,
for the petitioners.

Mr. Pankaj Mulwani, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

The petitioners were appointed through Punjab Public Service Commission as Ayurvedic Medical Officers in the year 2013 after facing a regular process of selection. By way of the instant writ petition, a prayer has been made for issuance of a direction to confirm the services and to release annual grade increments along with arrears of pay and interest.

In brief, the facts are that the petitioners who were appointed against the post of Ayurvedic Medical Officers, are governed by the statutory Rules called “Punjab Ayurvedic (Group-A) Service Rules 2008” which provide that the petitioners would be on probation for a period of two years and on completion of the said period the appointing authority may confirm the person from the date of his appointment against a permanent vacancy provided that he has completed his probation period satisfactorily if

there is no permanent vacancy etc. The petitioners seek confirmation on the said post along with all benefits of increments etc.

Despite several opportunities no written statement has been filed by the respondents.

It is contended that after having completed the probation period the petitioners would be entitled to all increments as is made available to other similarly situated. Learned counsel appearing on behalf of the petitioners further submits that a similar case came up for hearing before a Co-ordinate Bench of this Court in the matter of *Arun Bansal and others vs. State of Punjab and others, CWP No. 11466 of 2013* which was allowed on 02.08.2016. The Single Bench held that the petitioners were entitled to confirmation and directed to release of all consequential benefits therein.

Per contra, learned counsel appearing on behalf of the respondents-State submits that the matter regarding confirmation of the probation of 312 Doctors who were appointed by the Punjab Public Service Commission is pending consideration till such time the Vigilance Department does not give its reports. It is argued that the probation period of the periods could not be cleared as their basic appointment to the Ayurvedic Medical Officers is in dispute before this High Court and the Vigilance inquiry has been conducted by the State Government. Learned Single Bench too was aware of the fact that a Vigilance inquiry was pending against the selection of these Doctors and in that situation while allowing the writ petition made it clear that any orders passed by the State Government would be subject to the decision of the pending writs whereby

the selection of the petitioners had been challenged. The facts in the present case are identical to the facts as pleaded in **CWP No. 11466 of 2013** titled **Dr. Arun Bansal and others vs. State of Punjab and others**. The petitioners herein are seeking similar relief. Accordingly, the instant writ petition is allowed in the same terms as the orders passed therein :

“Accordingly, in view of the facts and law position as discussed above, the present petition deserves to be allowed and the respondents are directed to take necessary action to regularize the petitioners and to release them the consequential benefits with regard to the extended probation period.

However, it is made clear that the order passed by the respondents would be subject to decision of the pending writ petitions whereby the selection/appointment of the petitioners has been challenged.”

27.01.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.