

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 18607 of 2016 (O&M)
Date of Decision: March 28, 2017

Kuldeep Singh Dalal and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sandeep Goyat, Advocate,
for the petitioners.

Mr. Karan Sharma, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

1. In the instant writ petition, petitioners have sought for quashing communication dated 20.01.2016 (Annexure P/5) passed by respondent No.3 – Director General Health Services, Haryana.

2. Letter dated 20.01.2016 is an internal communication between Director General Health Services, Haryana and all the Civil Surgeons of State of Haryana and all the Principal Medical Officers to determine the pay of Pharmacists as per order dated 28.08.2014 of Finance Department. The petitioners' right is not affected by virtue of said communication dated 20.01.2016 (Annexure P/5). Pursuant to Annexure P/5, the concerned authority in the case of the petitioners Civil Surgeon as and when he act with reference to Annexure P/5, he will issue necessary notice to the petitioners relating to determining the pay of the petitioners (Pharmacists)

as per order dated 28.08.2014 of the Finance Department. Before re-determining the pay of the Pharmacists, Civil Surgeon is required to issue show cause notice to all those pharmacists who are working under Civil Surgeons and Principal Medical Officer. Unless and until such action is taken by the Civil Surgeons or the Principal Medical Officer, the petitioners have no cause of action to approach this Court. Thus, questioning of Annexure P/5 dated 20.01.2016 is premature. However, it is made clear that the concerned authority either Civil Surgeon or Principal Medical Officer who is required to re-determine the pay of the pharmacists as per order dated 28.08.2014 of the Finance Department is required to issue a show cause notice before re-determining the pay of the petitioners - pharmacists, further after receipt of petitioners' reply to show cause notice, if any, then only the concerned authority is required to pass final order.

3. With the above observations, instant writ petition is dismissed as pre-mature.

March 28, 2017
vkd

[P.B. Bajanthri]
Judge

Whether reasoned / speaking : Yes

Whether reportable : No