

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.23812 of 2017(O&M)
Date of Decision: 23.10.2017

Vinod Kumar Goyal

--Petitioner

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. Parveen Kumar Garg, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Counsel submits that services of the petitioner were regularized as Sanitary Engineer vide order dated 17.6.2004 passed by the Director, Health Services (Family Welfare), Punjab. Vide communication dated 2.8.2017 issued by the Principal, State Health & Family Welfare Institute, Mohali, petitioner was relieved from duty on the ground that there is no sanctioned post of Sanitary Engineer in the State Health and Family Welfare Institute and accordingly another incumbent holding the post of Sanitary Inspector/Multipurpose Health Supervisor was adjusted. Petitioner, accordingly, made a representation dated 2.8.2017 (Annexure P-4) to be posted against the sanctioned post of Sanitary Engineer in the State Health and Family Welfare Institute, Mohali.

Apparently, the request submitted by the petitioner found favour with the Director, Health and Family Welfare, Punjab and vide order dated 10.8.2017 (Annexure P-5) and it was observed that on account of a clerical mistake the word 'Sanitary Inspector' had been employed at the stage of obtaining sanction, whereas the post of Sanitary Engineer is very much available. Accordingly, sanction was accorded for joining of the

petitioner against his sanctioned post of Sanitary Engineer in the office of the Principal, Health and Family Welfare Training Centre, S.A.S. Nagar.

The instant petition is directed against an order dated 11.8.2017 (Annexure P-6), whereby the previous order dated 10.8.2017 has been stayed till further orders.

Counsel for the petitioner has been heard at length.

Perusal of the impugned order dated 11.8.2017 (Annexure P-6) would in itself reveal that no final decision in the matter has been taken till date. The matter is under consideration and the final order dated 10.8.2017 (Annexure P-5) has neither been rescinded or withdrawn and only the operation thereof has been stayed.

Mr. Avinit Avasthi, learned A.A.G., Punjab on instructions from Sh. Hardev Singh, Superintendent, Department of Health and Family Welfare, Punjab apprises the Court that a final view in the matter would be taken shortly.

Under such circumstances, no interference in the matter is warranted, at this stage.

The instant writ petition is disposed of with a direction to the Director, Health and Family Welfare, Punjab to take a final view and pass a final order in respect of the claim of the petitioner seeking adjustment on the post of Sanitary Engineer within a period of two months from today.

At this stage, counsel for the petitioner states that the petitioner has not been released his salary against the post of Sanitary Engineer w.e.f. June, 2017.

Learned State counsel would respond in terms of making a statement that if such factual premise is correct and if there be no other legal

impediment in doing so, salary of the petitioner for the period it is outstanding, would be released within a period of four weeks from today.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.10.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No