

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

CWP-9896-2015

Date of decision: 27.01.2017

Dr. Suman 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 PCMS Doctors in the year 2009 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 their 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 PCMS Doctors, are governed by the statutory Rules called Punjab Civil Medical Service (Class-II) Rules, 1982 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. On completion of the period of probation of a person, the appointing authority

may declare that he has completed his probation period satisfactorily, if there is no permanent vacancy etc.

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 of 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 report. It is argued that the probation period of the petitioners could not be cleared as their basic appointment to the PCMS 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.