

(155) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.33775 of 2019

Date of decision: 20.11.2019

Anzory Pathak and Ors.

...Petitioners

Versus

State of Punjab and ors.

... Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Ashok Bhardwaj, Advocate for the petitioners.

B.S. WALIA, J. (ORAL)

[1] Learned counsel contends that the petitioners are entitled to payment of stipend @ ₹ 9000/- per month as per the MCI Regulations during the internship period of MBBS. Learned counsel further contends that earlier the petitioners were students of Chintpurni Medical College and Hospital, Pathankot but due to closure of said College, the petitioners pursuant to order of this Court passed on 08.09.2017 in CWP No.7348 of 2016 titled as Aakansha Mahajan and ors. v. Union of India and ors. were shifted to Guru Gobind Singh Medical College and Hospital, Faridkot (respondent No.5) which is affiliated to Baba Farid University of Health Sciences, Faridkot. Learned counsel states that despite entitlement of the petitioners to stipend @ ₹ 9000/- per month during the internship period commencing from April 2019 uptill April 2020 from the Guru Gobind Singh Medical Colleges and Hospital, Faridkot, the petitioners have not been paid the monthly stipend, therefore, they submitted representations, Annexures P-4 and P-5 dated 23.08.2019 and 02.09.2019 respectively to respondent Nos.1, 2, 4 and 5 but no decision has been taken in respect thereto till date. Learned counsel states that in the circumstances, the petitioners would be satisfied if at this stage the writ petition is disposed of by directing respondent Nos.2 and 5 to take a decision with

4 and P-5 dated 23.08.2019 and 02.09.2019 respectively as expeditiously as possible.

[2] Notice of motion.

[3] On the asking of the Court, Mr. Rajesh Bhardwaj, Sr. DAG, Punjab accepts notice on behalf of respondent Nos.2 and 5 and states that he has no objection to the innocuous nature of prayer made by learned counsel for the petitioners for disposal of the writ petition by directing respondent Nos.2 and 5 to take a decision with regard to the claim of the petitioners for payment of stipend within a time bound manner in the light of the representations, Annexures P-4 and P-5 dated 23.08.2019 and 02.09.2019 respectively.

[4] Accordingly, in the light of the statement of learned counsel for the parties, the writ petition is disposed of by directing respondent Nos.2 and 5 to consider and decide the claim of the petitioners for payment of stipend for the duration of the internship (i.e. w.e.f. April 2019 to April 2020) in accordance with the MCI rules and regulations applicable in the light of representations, Annexures P-4 and P-5 dated 23.08.2019 and 02.09.2019 respectively within a period of four weeks from the date of receipt of certified copy of this order. If, on consideration, the petitioners are found entitled to payment of stipend for the period in question, the same be released to the petitioners within a period of four weeks thereafter failing which the same shall be paid along with interest @ 7.5% per annum with effect from the date the same became due till date of payment.

20.11.2019
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(B.S. Walia)
Judge

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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |