

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-15002-2020 (O&M)

Date of Decision:- 21.9.2020

Akhil Mahajan

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manoj Kumar Sood, Advocate, for the petitioner.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

The petitioner was appointed as a Medical Officer on 7.1.1993. Subsequently on 16.5.2007, a new Directorate of Employees State Insurance Health Care, Haryana was created and it was allocated staff from the existing Health Department. The allocated staff was to constitute a separate cadre. It was further provided that till separate service rules are framed the rules governing Health Department would be applicable.

Learned counsel for the petitioner has submitted that in the year 2014, 5 SMOs were appointed by way of direct recruitment who have virtually stolen a march over the petitioner and other identically situated medical officers who came to be promoted later. Learned counsel for the petitioner has submitted that when the petitioner and others represented, a committee was constituted to look into the matter especially since in the

other neighbouring States there is no provision for such direct appointment of SMOs in the Directorate of ESI. It has further been submitted that although recommendations were made by the committee in the year 2017 but till date the same has not been finalized.

Notice of motion.

Mr. Ravinder Budhwar, Addl. A.G. Haryana accepts notice on behalf of respondent-State of Haryana.

Keeping in view the prayer made by the petitioner, this Court does not feel the necessity for calling response of the State. The petition is disposed of with a direction to State of Haryana through Chief Secretary, General Administration and Secretary (Labour Department), Mini Secretariat, Sector 17, Chandigarh (respondents No.1 and 2) to look into the matter and to take a decision as regards the finalization of the rules expeditiously, preferably within a period of 4 months from today while keeping in view the fact that seniority disputes lead to heart burning amongst the employees of the same department which should ideally be avoided.

A copy of this order be sent to State of Haryana through Chief Secretary, General Administration and Secretary (Labour Department), Mini Secretariat, Sector 17, Chandigarh (respondents No.1 and 2) to enable them to do the needful at the earliest.

September 21, 2020

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No