

Sr. No. 209

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

CWP-7806-2020

Date of decision: 09.11.2021

Udaideep Khungar

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sardavinder Goyal, Advocate,
along with petitioner in person.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Pursuant to order dated 14.10.2021 passed by this Court, Dr. Udaideep Khungar-petitioner and Dr.Govind Gupta, Principal Medical Officer, Hisar-respondent No.4 are present in person.

2. This Court appreciates their approach to resolve the entire controversy in an amicable manner, by having taken an administrative decision that, for the time being, petitioner would be allowed to join duties as Medical Officer on General duty, instead of assigning him the duty of an Anaesthetist, which he is.

3. As regards the arrears of salary, it is the case of the petitioner that in the absence of any administrative action against the petitioner and for no fault of his, he was not allowed to work, he is therefore entitled to 100% of salary. However, the same is controverted by the Principal Medical Officer, who is present in Court, saying that petitioner on his own volition did not report for work. He is, therefore, not entitled to any salary on the principle of 'no work no pay'.

4. Be that as it may, respondent No.2-Director General Health Services, Haryana shall pass an appropriate administrative order, by going into the controversy qua the reporting/not allowing the petitioner to carry on work, despite being available, by recording specific reasons thereof, within a period of two months from today. In case, petitioner is found entitled to payment of arrears of salary, the same be disbursed to him within a period of two months thereafter.

5. As regards the impugned report dated 11.09.2018 (Annexure P-12), the same is directed to be kept at abeyance and not to be given any effect thereof, unless, of course, the competent authority deems it fit that same needs to be verified by way of constituting an appropriate Medical Board in accordance with law. It is however, made clear that if any such steps are being taken, an independent Medical Board shall be constituted by approaching the Director PGIMER, Chandigarh and under his aegis.

6. Disposed of accordingly.

09.11.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No