

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

CWP-9436-2021

Date of Decision: 04.05.2021

Dr. Sukhvinder Pal Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Parshotam Lal Singla, Advocate,
for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

The petitioner, who is a Doctor serving in State of Punjab, contracted virus Covid-19 twice. Initially on 04.10.2020 and thereafter again on 11.03.2021. His wife was also affected by the same virus on 11.03.2021, but was discharged from the hospital on 23.03.2021. The petitioner was, however, not hospitalized when he contracted virus for the second time and had been taking treatment while at home.

Subsequently, the petitioner applied for grant of earned leave w.e.f. 10.04.2021 to 30.04.2021, but the same was declined vide impugned order dated 16.04.2021 (Annexure P-7) and the petitioner was directed to join duties on 17.04.2021. Since the petitioner had not joined duties, he was again directed to join duties immediately vide letter dated 20.04.2021 (Annexure P-8). It was further conveyed that in case he does not resume duties, he shall be considered to be absent.

It need not be emphasized that the entire world has been affected by Novel Virus i.e. Covid-19. There is a war like situation in the country, wherein the Doctor community is contributing the maximum while putting their own lives at stake. The nation shall always remain indebted to them for their selfless service during the present trying times.

The Doctors particularly those in Government service have been and are expected to stand by the country in the hour of need. Their services are indispensable in the present circumstances when the situation is grave. The Government has even granted extension to the Doctors, who were due to retire during this period. In fact, yesterday the Government of India has postponed NEET examination for 4 months so that the services of interns may also be utilized for Covid management. In these circumstances, it hardly needs to be underlined that the services of the petitioner, who is a Doctor serving in Government Department, are required to be utilized in every manner. The petitioner cannot claim the benefit of earned leave as of right especially under present circumstances and the authorities are fully justified in declining the same.

However, it goes without saying that the petitioner cannot be forced to join duties, in case he is not fully fit. The petitioner, as such, is directed to appear before the Civil Surgeon, Kapurthala, who shall get him examined from a Board of Doctors, who shall ascertain as to whether the petitioner is fit enough to perform duties. In case, the petitioner is found to be unfit for performing duties, he shall be permitted to avail of the earned leave for one week and shall again be examined after one week. If he is found to be fit enough to perform duties, the petitioner shall perform his duties as are required of him.

The petition stands disposed of accordingly.

04.05.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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