

CWP-16940-2020
Date of decision : March 03, 2021

BRIJESH KHARI AND OTHERS

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. M.K. Sood, Advocate for the petitioners.

Mr. Ashish Yadav, Addl. AG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Present writ petition has been filed seeking quashing of communication dated 23.09.2018 (Annexure P4), whereby it has been declared that four Civil Surgeons of ESI Health Care Gurugram, Bhiwani, Karnal and Faridabad are declared as the Head of office falling under their jurisdiction.

It is submitted that as per Rule 27 of the Haryana Civil Services (leave) Rules, 2016, leave account of the government employee would be maintained by the head of office in which he is employed or if he himself is head of office, by his immediate superior. Learned counsel for the petitioner submits that for the purpose of disbursement of salary, it is the senior medical officer who is the designated authority and in matters of leave to be sanctioned, the Civil Surgeon, has been given the power. This has led to manifest hardship to the petitioners. No action has been taken despite representation being submitted by the petitioners.

Learned counsel for the respondent – State to whom an advance copy of the writ petition has been supplied, was asked to seek instructions in this regard

on 17.02.2021.

Mr. Ashish Yadav, Addl. AG, Haryana, today, on instructions from Dr. Kewal Singh, Deputy Director (P&I) submits that for the purpose of casual leave, the concerned Senior Medical Officer (SMO) is competent to take decision and it is only in the case of extra ordinary leave that the matter would be decided by the Civil Surgeon.

Learned counsel for the petitioners, however, submits that station leave sought for attending court cases is still granted by the Civil Surgeon which at times leads to unnecessary delays, ultimately resulting in extreme harassment to the concerned doctors, who would be liable to face action before the courts as well if they do not appear.

In respect to the station leave of the doctors to attend the court cases, Mr. Yadav submits that request can be sent through email to the concerned Civil Surgeon. The same shall be addressed on the same day and due intimation conveyed to the concerned doctor, thereby obviating any delay or wastage of paper etc. as has been alleged.

In view of the specific stand and statement of learned counsel for the State, on instructions from Dr. Kewal Singh, Deputy Director (P&I), no further orders are called for in this case, which is accordingly, disposed of.

Needless to say in case, the petitioners still face any difficulty, they are at liberty to approach respondent No. 2 with their grievance(s), who shall address the same within a reasonable period.

March 03, 2021
rts

(Lisa Gill)
Judge

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