

261-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16516-2021 (O&M)

Date of decision: December 08, 2022

Dr. Sushila

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Mohit Saini, Advocate for
Mr. Raman B. Garg, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Claim of the petitioner herein (Ayurvedic Medical Officer) to seek extension in service upto the age of 65 years is based on the premise that their counterpart Medical Officers in the Allopathy have been given the same benefit.

2. At the very threshold, learned State counsel points out to additional affidavit dated 30.09.2021 filed on behalf of respondents No.1 to 3, wherein it has specifically been stated in Para-3 thereof as under:-

“3. *That the petitioners are seeking the parity with the HCMS Doctors pursuant to notification dated 21.11.2016 i.e. Annexure P-9 and requested to enhance their age of superannuation to 65 years from 58 years.*
In this context it is submitted that the Haryana Government Health Department has issued a notification dated 01.09.2021 in supersession of Government's Notifications bearing no. 25/18/2016-6HBI dated 21.11.2016 and 06.07.2017 and has been pleased to re-fix the superannuation age from 65 years to 58 years for HCMS doctors of Health Department with the opportunity of re-employment to the doctors of both cadres of medical and dental, of the Health Department, on yearly basis upto 65 years of age subject to the fulfillment of eligibility criteria as mentioned in the notification. The copy of the said notification dated 01.09.2021 is annexed as Annexure R-3/1.”

3. In view of the aforesaid, claim of the petitioner is rendered infructuous. Learned counsel for the petitioner though points out that the decision of reducing the age of the Allopathic Medical Officers is under challenge. Being so, they are at liberty to file fresh petition depending upon the outcome of the aforesaid challenge.

4. Disposed of, accordingly.

5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

December 08, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No