

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

CWP-25842-2017 (O&M)

Date of decision: July 06, 2022

Dr. Sanjay Kumar and another

...Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jasmer Singh Rozera, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petitioners, serving as medical officers/ physicians in special areas in Haryana i.e. Mewat/ Hathin, are before this Court seeking quashing of an office order dated 24.05.2017 (Annexure P-4) vide which their claim for grant of special incentives admissible to those serving in the special areas has been declined.

2. In response to the writ petition, learned State counsel, in course of hearing has tendered written statement by way of affidavit of Dr. Bir Singh Sehrawat, Civil Surgeon, Palwal on behalf of respondents No.1 to 4, which is taken on record. Copy thereof supplied to the counsel opposite. In the return, following stand has been taken in Paras-4 to 10 of the preliminary submissions:-

“4. *That this Hon'ble Court vide order dated 04.12.2017, notice of motion has been issued and a specific direction has been issued to the answering respondents to verify the documents of the petitioners and in compliance of that order, the answering respondents constituted a committee vide order dated 30.01.2018 to enquire regarding Mewat incentive. Copy of the order dated 30.01.2018 is annexed herewith as Annexure R-1.*

5. *That thereafter, the Committee submitted its report with regard to the receipt given by the present petitioners. Copy of the Report is annexed herewith as Annexure R-2.*
6. *That thereafter, Civil Surgeon, Palwal sent a letter dated 01.12.2018 to Director General, Health, Haryana, Panchkula, whereby recommended the report of committee but he could not disburse the incentive due to the speaking order dated 24.05.2017. Copy of the Letter dated 01.12.2018 is annexed herewith as Annexure R-3.*
7. *That thereafter, Civil Surgeon, Palwal vide letter dated 19.02.2018 requested to Mission Director (NHM), Panchkula to provide the financial sanction. Copy of the letter dated 19.02.2018 is annexed herewith as Annexure R-4.*
8. *That thereafter the Mission Director (NHM), Panchkula put certain enquiry with regard to approval of committed expenditure and also asked for the list of persons whose payment has not been made. Copy of the letter dated 21.03.2018 is annexed herewith as Annexure R-5.*
9. *That thereafter, the Civil Surgeon, Palwal submitted a report to the Mission Director, NHM, Haryana vide letter dated 22.02.2018 regarding the sanction of special incentive of doctors working in Hathin Block and also submitted that the payments have not made till now as advice sought from the office of MD, NHM. Copy of the Letter dated 22.02.2018 is annexed herewith as Annexure R-6.*
10. *That thereafter, Mission Director, NHM, Haryana vide letter dated 26.03.2018 has requested Mission Director, NHM, Govt. of India to accord approval to the State from making the payment of Rs.18,25,161/- for difficult area incentive to District Mewat & Hathin Block of Palwal related to year 2009-10 to 2014-15. Copy of the letter dated 26.03.2018 is annexed as Annexure R-7.”*

3. A perusal of the above thus reflects that while there is no dispute *qua* the admissibility of the claim of those who are serving in the special areas but the same has to be done after following due procedure as well as upon verification *qua* the place of posting/ maintaining of residence of medical officers *vis-à-vis* Headquarters. Accordingly, there is not much for this Court to adjudicate except to direct the respondents/ competent authority to verify the claim of the petitioners after the pending approval is accorded by NHM and in case it is found that they have actually served in the special incentive areas, they will be accorded the benefit of the payment as per the claim.

4. Writ petition is accordingly, disposed of. Needful be done with a period of 3 months from today.

(ARUN MONGA)
JUDGE

July 06, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No