

329 (3 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-15655-1995 (O&M)
Dr. Naval Kishor and another Petitioners

Vs.
State of Punjab and another Respondents

2. CWP-10639-2004 (O&M)
Dr. Manju Sharma and others Petitioners

Vs.
State of Punjab and others Respondents

3. CWP-19985-2017 (O&M)
Dr. Ankur Lekhy and others Petitioner

Vs.
State of Punjab and another Respondents

Date of Decision: 24.07.2023

CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. R.K. Malik, Sr. Advocate with
Mr. Digvijay Singh, Advocate
for the petitioners in CWP-19985-2017.

Mr. Puneet Jindal, Sr. Advocate with
Ms. Sakshi, Advcoate
for the petitioners in CWP-15655-1995.

Mr. Ramesh Sharma, Advocate
for the petitioners in CWP-10639-2004.

Ms. Shivani Sharma, DAG, Punjab.

Mr. Vivek Singla, Advocate for intervenors.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners in these 3 Writ Petitions essentially pray for giving directions to the respondents to grant the Ayurvedic Medical Officers parity in the pay scales and other allowances at par with the medical officer working in the State of Punjab with all consequential benefits.
2. Initially, the petitioners demanded that they should be granted parity in pay scale, status and other allowances admissible to the allopathic doctors of the State as well as of the Central Government. However, while these petitions were pending, the issue travelled from Gujarat High Court to the Supreme Court and in a recent judgment reported in *2023 Livelaw SC 350, State of Gujarat and others vs. Dr. P.A. Bhatt and others, in Civil Appeal No.8553-8557 of 2014* decided on 26.04.2023, the Apex Court held that allopathic doctors and doctors of indigenous medicine cannot be said to be performing equal work so as to be entitled to equal pay.
3. Faced with the aforesaid judgment passed by the Supreme Court, learned counsel limit their prayer only to direct the respondents to consider the case of the petitioners for grant of equal pay scale as being made available to the Ayurveda doctors of the Central Government as principally the Commission had decided to grant parity in the pay scales to the professional categories working in Punjab equivalent to the pay scales of Government of India.
4. It is the case of the petitioners that other employees have been granted similar parity of pay scales as being granted to Government of India employees. However, so far as the petitioners are concerned, while the

Ayurveda Medical Officers working with the Central Government have been granted pay scale of Rs.15,600-39,100 + grade pay Rs.5,400/-, the Ayurveda Medical Officers of State of Punjab are granted pay scale of Rs.10,300-34,800/-+ grade pay Rs. 5,400/-.

5. Thus, the learned counsel submit that the pay scale of Ayurveda medical officers of State of Punjab is considerably much lower to that of the Ayurveda medical officers of the Central Government. It is also the case of the petitioners that the Ayurveda Medical Officers performing similar work in other States are being placed at a much higher pay scale.
6. Granting of pay scale to the employees is an exclusive domain of the State Government. The pay scales of the employees working with the Central Government can be different from the pay scales of the State government employees. However, if a decision is taken principally to grant parity of pay scales of the employees of the Government of Punjab to that of the Central government, then question arises as to why the said pay scale has not been extended in the field of Ayurveda medical doctors. The reply filed by the respondents is completely silent on that aspect and the reply is only in relation to the decision taken by the Commission not to grant equivalent pay scale to Ayurveda doctors to that of the Allopathic doctors.
7. In the opinion of this Court, it is for the State Government to consider and re-examine the issue in light of the policy decision taken of granting of parity of pay scale to the Ayurveda medical officers of the State of Punjab to that of Ayurveda medical officers of the Central Government.

8. This Court is of firm view that the original system of medicine imparted by way of Ayurveda is the most sacred method of treatment, at least in India, and it is time that the governments should come forward to recognize the importance of ayurveda treatment and promote the same. Granting lower pay scales to the Ayurveda doctors would discourage students to enter into the field of Ayurveda medicine.
9. It is common knowledge that ayurveda, one of the oldest traditional systems of medicine, dates back to more than 5000 years, was given by Lord Dhanvantari who was considered to be the physician of the Gods. The first two texts written on ayurveda medicine were Charaka Samhita written by sage Charak and Sushruta Samhita written by sage Sushrut. The other famous text on ayurveda is by sage Vagbhata. There are 6 national institutes of Ayurveda in India where post graduate studies are being provided in similar faculties as that of the Allopathy and the same are as under:

- a. Kayachikitsa (internal medicine)*
- b. Shalya tantra (surgery)*
- c. Shalakya (ENT)*
- d. Kaumarbhritya (Gynae, pediatrics)*
- e. Agad tantra (poison treatment)*
- f. Dravyaguna (herbs)*
- g. Rasa Shastra (pharmacy)*
- h. Vajikaran (aphrodisiac)*
- i. Maulik Sidhant (foundation of ayurveda)*
- j. Rog vigyan (pathology)*

Thus, ayurvedic medicine is an example of a well-organized system of traditional health care, both preventive and curative, that is widely practiced in parts of Asia.

10. While this Court would not direct the government by a mandamus to grant pay scale, however, it is always within their policy decision to consider the said aspect. It is to be noted that in ayurveda system of medicine, treatment of many different diseases can be done even without performing surgeries. The basic concept of ayurveda medicine is to treat persons without causing any injury to the patient, a unique method which needs to be appreciated.
11. The State Government, therefore, is directed to re-visit the issue as above and take a decision within a stipulated period, preferably within 3 months.
12. The petitioners are free to submit a detailed representation with all other relevant documents before the Finance Department, Punjab, for the said purpose.
13. Writ Petitions are *disposed of* in the aforesaid terms.
14. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 24, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | <i>Yes/No</i> |
| 2. Whether reportable? | <i>Yes/No</i> |