

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

301-I

**Civil Writ Petition No.6902 of 2010 (O&M)
Date of decision :-20.12.2023**

K.P.S. Gill

.....Petitioner

Versus

Punjab Public Service Commission and others

.....Respondents

301-II

Civil Writ Petition No.9631 of 2010 (O&M)

Dr. Vikrampal Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

301-III

Civil Writ Petition No.9709 of 2010

Dr. Manpreet Kaur and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

301-IV

Civil Writ Petition No.15449 of 2010

Dr. Navpreet Kaur Sidhu

.....Petitioner

Versus

State of Punjab and others
.....Respondents

301-V
Civil Writ Petition No.2941 of 2011

RTI Activists Federation Punjab
.....Petitioner

Versus

State of Punjab and others
.....Respondents

301-VI
Civil Writ Petition No.6671 of 2010

Sanjit Kumar Sinha
.....Petitioner

Versus

State of Punjab and others
.....Respondents

301-VII
Civil Writ Petition No.5153 of 2012

Jatinder Singh
.....Petitioner

Versus

State of Punjab and others
.....Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Anupam Gupta, Sr. Advocate with
Mr. Sukhpal Singla, Advocate
for the petitioner(s) in CWP-6902-2010.

Mr. H.C. Arora, Advocate with
Ms. Sunaina, Advocate
for the petitioners in CWP No.9631 of 2010 (O & M);
CWP No.9709 of 2010 and CWP No.2941 of 2011.

Mr. Jaskirat Singh, Advocate for
Dr. Surya Parkash, Advocate
for the petitioner(s).

Ms. Lavanya Paul, DAG, Punjab.

Mr. Rajeev Anand, Advocate
for respondent No.1 in CWP-6902-2010.

Mr. Akshay Bhan, Sr. Advocate with
Mr. A.S. Talwar, Advocate
for respondents No.12, 14, 16, 18, 19, 21, 22, 26, 31 and
37 in CWP-9709-2010.

Mr. R.K. Malik, Sr. Advocate with
Mr. Samrat Malik, Advocate
Mr. Varun Veer, Advocate
for objectors in CWP-9709-2010.

Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. Puneet Gupta, Advocate and
Mr. Brijesh Khosla, Advocate
for PPSC Members/objectoner(s) in CWP-6902-2010.

Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. Rajat Sheokand, Advocate
Mr. Nitin Sachdeva, Advocate
Mr. Rajinder Jammu, Advocate
Mr. Eashan Bhardwaj, Advocate
Mr. Nitin Bansal, Advocate and
Mr. Vasu Ranjan Shandilya, Advocate
for respondent No.7.

Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Robin Singh Bhullar, Advocate
and Mr. Gurpreet S. Brar, Advocate
for respondent No.43 in CWP-9631-2010.

Mr. Gagneshwar Walia, Advocate and
Mr. Fateh Singh Dhillon, Advocate
for objectors in CWP Nos.9631, 9709 and 6902 of 2010.

Mr. J.P.S. Sidhu, Advocate
for respondents No. 12, 13, 17, 19, 21 to 27 in CWP-
6902-2010.

Mr. Amit Gupta, Advocate for
Mr. Vipin Mahajan, Advocate
for respondent No.10.

RITU BAHRI ACJ. (Oral)

All the aforementioned seven writ petitions, being inter-connected, are being disposed of vide this common order. For the sake of convenience, the facts are being taken from CWP-6902-2010.

Mr. Anand Singla, Advocate has put in appearance on behalf of respondent No. 34 (in CWP-9631-2010) and filed his Power of Attorney, which is taken on record.

Learned State counsel has produced copy of FIR No.45 dated 18.12.2023, under Sections 13(1)(A) read with Section 13(2) of Prevention of Corruption Act, 1988 (amended by Amendment Act, 2018) and Sections 409, 120-B IPC, registered at Police Station Vigilance Bureau, District Patiala, based on the SIT report as well as the Status report dated 20.12.2023 by way of affidavit of Navneet Saluja, Under Secretary to State of Punjab, Department of Health and Family Welfare, Punjab on behalf of respondents No.2 and 3. Same are taken on record. Requisite copies thereof supplied to learned counsel appearing for the parties.

In the status report, reference has been made to the report dated 21.05.2014 submitted by the Special Investigation Team (SIT), which was constituted by the Vigilance Department vide its notification dated 07.01.2014. The operative part of the report is reproduced as under:-

“XXX XXX XXX

12 (i). Evidence shows that the members of the PPSC with the active and aggressive connivance of Sh. S.K. Sinha, Chairman, had decided right in the beginning of the PCMS selections 2008-09, to subvert the entire selection process and to make the selections on whims, nepotism and favouritism basis. Thus, the entire selection of 312 doctors in two lots, into the PCMS in the years 2008-2009 by the PPSC is full of blatant irregularities.

12 (ii). Though, a prima-facie case under the Prevention of Corruption Act, 1988 and relevant IPC sections stands made out against the then Chairman and members of the PPSC namely, Shri S.K. Sinha, Brig. (Retd.) D.S. Grewal, Dr. Satwant Singh Mohi, Shri D.S. Mahal, Smt. Ravinder Kaur, Shri Anil Sarin and others, for their acts of commission and omission in connection with this selection, the absence of direct evidence of quid-pro-quo, makes its outcome perhaps, uncertain.

12 (iii). A case of disproportionate assets in prima-facie made out against Dr. S.S. Mohi, member, pertaining to his tenure in the PPSC from 09/05/2006 to 16/12/2011 and may be registered and investigated.

12 (iv). Separate offences under various provisions of IPC (120-B, 420, 468, 471 IPC) are also made out against all those candidates who have used forged certificates for claiming weightage for Social Work in Medical Field. Such cases may be registered and investigated.”

It is further states that with respect to the report submitted by the SIT, certain objections were filed by various parties, including the PPSC. In para no.7, it is stated that out of 312 Medical Officers, 280 Medical Officers had joined the service in the Department of Health and Family Welfare, Punjab and at present, 200 Medical Officers are working in the Department. The Medical Officers recruited in the year 2008-09 had filed CWP No.11466 of 2013, titled as Dr. Arun Kumar and others vs. State of Punjab and others, seeking regularization of their probation period by confirming

their services. The said petition was allowed vide order dated 02.08.2016 (Annexure R-1) passed by this Court. The operative part of the said order is reproduced as under:-

“The judgment of Dharam Singh’s case (supra) was also relied upon in the judgment of Hon’ble the Apex Court in case Om Prakash Maurya vs. U.P. Cooperative Sugar Factories Federation, Lucknow, 1986 AIR (SC) 1844. It was held therein that probation period could not be extended beyond the maximum period of probation and employee stands confirmed on expiry of maximum period of probation.

In judgment of Delhi High Court in case Ganesh Chander Joshi vs. Union of India, 1993 (4) SLR 759, it was held that on the expiry of the maximum period of probation, an employee would be deemed to have been confirmed on the post and he could not be discharged simpliciter by passing of an adverse order. The petitioner, in that case, was held entitled to all consequential reliefs as earlier he was discharged after maximum period of probation.

In the present case, neither any complaint has been made against the petitioners nor anything has been brought to the notice of this Court to show that their work has not been found satisfactory. They have not been granted the benefits of annual increment and they have not been confirmed in spite of expiry of maximum period of three years of probation because of pendency of cases challenging their appointment.

Accordingly, in view of the facts and law position as discussed above, the present petition deserves to be allowed and the respondents are directed to take necessary action to regularize the petitioners and to release them the consequential benefits with regard to the extended probation period.

However, it is made clear that the order passed by the respondents would be subject to decision of the pending writ petitions whereby the selection/appointment of the petitioners has been challenged.”

In compliance with the judgment dated 02.08.2016 (Annexure R/1), the competent authority cleared their probation period and subsequently, 04 years and 09 years ACP benefits have also been granted to the Medical Officers.

It is further stated that around 130 Medical Officers, out of 200 Medical Officers, have been granted No Objection Certificates by the competent authority as per prevailing instructions to pursue the Post Graduation Degree/Diploma/Super Specialty Courses. They have already undergone their Post Graduation Degree/Diploma/Super Specialty Courses and now they are rendering their professional services in the Civil Hospitals of the State of Punjab. The Medical Officers pursuing their Post Graduation Degree/Diploma/Super Specialty Courses are required to render a minimum number of years of service in the State Government after completion of their course. They are also required to furnish an indemnity bond in pecuniary terms in lieu of rendering Government Service as per instructions issued from time to time.

In the facts of the present case, pursuant to the judgment dated 02.08.2016 (Annexure R/1), probation period of the Medical Officers has been cleared and they have been granted the benefit of ACP as well. Further, No Objection Certificates to pursue their Post Graduation Degree/Diploma/Super Specialty Courses have also been granted by the competent authority. Moreover, as per letter dated 19.12.2023 (Annexure R/2), the Secretary to State of Punjab, Department of Health and Family Welfare, Punjab has also asked the DGP, Punjab Police to carry out the investigation as per law.

As per the Status report dated 20.12.2023 filed by the Secretary to State of Punjab, Department of Health and Family Welfare, Punjab, the selected doctors have been working since 2009 (about 15 years) and pursuant to the judgment dated 02.8.2016

(Annexure R-1) their services were regularized keeping in view that there was no complaint against the petitioners with regard to their work, which was found satisfactory. They have also been granted benefits of annual increments as well as benefit of ACP grades after completing 04 years and 09 years services.

Keeping in view the observations made by this Court in the judgment dated 02.8.2016 (Annexure R-1) that after their appointments no complaint was made against the doctors with regard to their work and conduct and the observations made by the Special Investigation Team (SIT) in its report dated 21.05.2014, no further directions are required to be given in all these petitions.

Disposed of accordingly. Since the main petitions have been disposed of, pending misc. application(s), if any, stands disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

December 20, 2023
Vijay Asija

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No