

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

CWP-23589-2014 (O&M)

Date of decision: 14.02.2023

Jit Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Munish Bhardwaj, Advocate for the petitioner
Mr. D.K.Singal, Addl. AG, Punjab
Mr. Ravi Sharma, Advocate for respondent no.5
Mr. Ajay Kumar Sharma, Advocate for respondent no.6

ANIL KSHETARPAL, J (Oral)

On 09.02.2023, after hearing the learned counsel representing the parties, the following order was passed by this Court:-

“Arguments have been heard at some length. The petitioner prays for quashing of the order dated 26.12.2013 promoting respondent no.6 to the post of Senior Librarian. The petitioner claims that respondent no.6 is not eligible for promotion to the aforesaid post as per the guidelines issued by the Medical Council of India.

On the other hand, the learned State counsel contested the case on the basis of the draft rules, which provide for reservation of 75% quota in the cadre of Senior Librarian. It is contended that respondent no.6 belongs to the Scheduled Caste category and hence, is granted the accelerated promotion.

Learned counsel representing the petitioner contends that the guidelines of the Medical Council of India shall be binding on all the medical colleges situated throughout the country. In such a situation, the question arises, “As to whether such guidelines will be applicable even with respect to the service condition of the employees, particularly, when the draft rules, which are being followed in their case, are not in consonance with the said guidelines?”

List on 14.02.2023, in the urgent list.”

Learned counsel representing the petitioner failed to draw the attention of the Court towards any provision in the Indian Medical Council Act, 1956, which envisages the Medical Council of India to lay down the service conditions of the employees of different States.

The petitioner, on attaining the age of superannuation, was due to retire on 30.11.2013, however, he was granted extension for a period of 2 years and he stands superannuated on 30.11.2015. Respondent no.6 has also retired on 30.06.2022.

Learned counsel representing the petitioner admits that the petitioner was also promoted as a Senior Librarian with effect from November, 2015.

Keeping in view the aforesaid facts, this Court does not find it appropriate to exercise its extraordinary writ jurisdiction.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

14.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE