

2023:PHHC:048114

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

CWP-26654-2016 (O&M)

Date of decision: 10.04.2023

Dr. Gurmukh Singh

....Petitioner

Versus

Secretary, Rural Development and Panchayats Department, Punjab and
another

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Dr. Gurmukh Singh, petitioner in person
Mr. Navdeep Chhabra, Sr. DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner has appeared in person in the Court.
2. In substance, the dispute that arises for adjudication is, “As to whether the petitioner is entitled to the sanction of study leave for higher studies with or without pay?” At the relevant time, the petitioner was serving in the Rural Medical Service under the Panchayati Raj Institutions. He applied for the study leave as he was successful in getting admission in M.D (Psychiatric). The leave was sanctioned, however, without pay. The petitioner claims that as per the Punjab Panchayati Raj Rural Medical (Group A) Service Rules, 2011, the Rural Medical Officers are entitled to the same facility of leave as are available to the members of the Punjab Civil Medical Service serving in the Department of Health and Family Welfare, Punjab.
3. On the other hand, it is the stand of the respondents that there is no scope for promotion and there is no provision for the execution of the bond, which is a sine qua non for grant of the study leave with pay to the members of the Punjab Civil Medical Services.

4. This Court has considered the submissions of the petitioner and the State counsel. The petitioner after completing the Post Graduation degree has now on being selected has shifted to the Department of Health and Family Welfare in December, 2018. He after getting his Post Graduation degree in June, 2018 has shifted to some other Department within a period of six months.

5. This Court is exercising the jurisdiction of judicial review. The Department has formed an opinion on the basis of the prevalent conditions of service. The provision for study leave with pay is to ensure that the better qualified members continue to serve the Department during the period of the bond. In the absence of any provision for promotion or bond, the State cannot be compelled to grant the concession of study leave with pay. The circumstances prevalent in the Department of the Health and Family Welfare viz-a-viz the Department of the Panchayats are different. Moreover, the study leave with pay is only a concession given by the Government to its employees, which cannot be claimed as a matter of right.

6. In view of the aforesaid facts and discussion, no ground to issue the writ, as prayed for, is made out.

7. Hence, dismissed.

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

10.04.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE