

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

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CWP-3509-2024

Date of decision: 16.02.2024

Sumeet Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. R.K. Arora, Advocate
for the petitioner.

AMAN CHAUDHARY J.

1. The prayer in the present Civil Writ Petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari/mandamus for quashing the impugned order dated 06.06.2023, Annexure P-6 passed against the petitioner.

2. Learned counsel would contend that the petitioner while working as a PCMS Doctor in the Department of Health and Family Welfare since 2018, was selected for the PG Course in MS General Surgery in the PGIMER, Chandigarh under the sponsored category, for which NOC was issued by the Government. Though he joined the said course on 14.01.2023, however, on account of serious ailment of his father, requested on 24.03.2023 through proper channel, to leave the same, which was accepted after 2 months on 05.06.2023. The Department has now taken penal action against him based on the Instructions, which were not in existence on the day of the passing the said order permanently debarring him from pursuing the PG Course and even bond of 10 years has been made effective, besides the period of 14.01.2023 to 08.06.2023 has been treated to be without pay. Consequent to the aforesaid, recovery of Rs.45,000/- per month from his pay is

being effected. In this regard, a representation dated 24.07.2023, Annexure P-8 has been submitted to respondent No.1, which has yet not evoked any response. However, he at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondent No.1 to consider the representation dated 24.07.2023, Annexure P-8 and decide the same within a period of four weeks and if found substance, necessary relief be granted to the petitioner forthwith. Till the finalization of the said proceedings, no further recovery shall be made from him.

(AMAN CHAUDHARY)
JUDGE

16.02.2024

Hemant

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No