



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-9390-2025 (O&M)

Date of decision: 03.04.2025

Dr. Rahul

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ramesh Kumar, Advocate for the petitioner(s).

Mr. Tapan Kumar, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ especially in the nature of Mandamus directing the respondents to consider and take a final decision on the legal notice dated 07.03.2025 of the petitioner in a time-bound manner.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner was appointed as Ayurvedic Medical Officer (M) in RBSK Programme under NHM at SDH Narwana on 08.11.2023. He has been rendering services to the complete satisfaction of the authorities in all respects w.e.f. his date of joining i.e. 08.11.2013 to 22.07.2024. He contends that on account of certain family circumstances, the petitioner decided to change the place of his posting and opted to work in Kaithal District under NHM on the same emoluments which he was drawing in SDH



Narwana and in the same capacity which was held by him before. The petitioner was accordingly issued a letter of appointment to the post of AMO (M) in District Kaithal, however, he has been offered appointment on the said post on an honorarium of Rs.18,750/- whereas he was drawing an honorarium of Rs.77,000/- approximately while dispensing services against the equivalent post in SDH Narwana under the NHM. He further places reliance on the communication bearing Endst. No.1/815-NRHM/A9/2014/3576-98 dated 05.05.2014 whereby the Mission Director, National Health Mission, Haryana had directed all the Civil Surgeons in the State of Haryana that any employee, who is working in any institution/programme under the NHM and joins on the same post in another institution/programme of NHM, without any break, may be allowed the benefit of his previous service after protecting his previous honorarium on the present post as well. He contends that the petitioner is thus entitled to his pay protection but the needful was not done by the respondents. Consequently, a legal notice dated 07.03.2025 has been sent by him to the Mission Director, National Health Mission, as well as to the Civil Surgeon, Civil Hospital, Kaithal, however, no decision has been taken thereupon. He contends that he would be satisfied at this juncture, in case, the respondents are directed to take a decision on the said legal notice in a time bound manner and to release the admissible financial benefits to the petitioner in the event the respondents rule in favour of the petitioner.

3. Notice of motion.



4. Mr. Tapan Kumar, DAG Haryana, accepts notice on behalf of the respondent-State and he submits that he has no objection to the aforesaid prayer being granted.

5. With the consent of the parties, the present petition is accordingly **disposed of** without commenting on the merits of the present case and with a direction to respondent No.3-Mission Director, National Health Mission (State Health Mission), Haryana to take note of the legal notice dated 07.03.2025 (Annexure P-13) served by the petitioner and to pass a well reasoned and speaking order thereupon after granting an opportunity of hearing to the respective parties in accordance with law and preferably within a period of 03 months from the date of receipt of certified copy of this order.

6. In the event the claim of the petitioner being accepted, the requisite financial benefits be released to the petitioner expeditiously and preferably within a further period of 02 months.

7. In the event of non-payment of dues within the said period, the same shall be released to the petitioner along with interest @ 6% per annum for withholding admissible financial benefits of the petitioner.

(VINOD S. BHARDWAJ)
JUDGE

03.04.2025

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No