

Dr. Pradeep Kumar Sharma vs. State of H.P.

CWPOA No. 6689 of 2019

19.04.2023 Present: M/s Vivek Sharma and Anubhav Chopra, Advocates for the petitioner.

M/s Jitender Sharma, Tejasvi Sharma, Pushpender Jaswal and Baldev Negi, Additional Advocate Generals with Mr. Gautam Sood, Deputy Advocate General, for respondent-State.

CMP-T No. 151 of 2023

For the reasons stated therein, this application seeking early hearing of the writ petition is allowed and as prayed for, the petition is taken up for hearing today itself.

CWPOA No. 6689 of 2020

Heard for some time.

The grievance of the petitioner is that a discriminatory treatment has been meted out to him as far as protection of his pay is concerned vis-à-vis the similarly situated persons, i.e. Medical Officers, who joined the service of the respondent-Department after being discharged from Armed Forces, as is evident from Annexure-1, which was passed by the competent authority upon the directions passed by this Court in the earlier writ petition filed by the petitioner, i.e. CWP No. 6227 of 2014. A perusal of Annexure A-1 demonstrates that protection of last pay drawn by the petitioner in Army has been denied to the petitioner on the ground that the Department of Personnel has rejected the plea of the parent department to relax Rule 5.1 of Ex-

servicemen (Reservation of Vacancies in the HP Technical Services) Rules, 1985, which relaxation was given by the Department of Personnel to Dr. S.S. Dogra and Dr. Vikram Mahajan. This Court fails to understand as to how the State can discriminate between similarly situated persons. Article 14 of the Constitution of India clearly lays down that similarly situated persons are to be treated alike and the act of the State of not giving similar treatment to the petitioner, as has been meted out to the Doctors similarly situated as the petitioner, infringes Article 14 of the Constitution.

Faced with this situation, learned Deputy Advocate General prays that hearing of the petition be deferred by three weeks to enable him to have instructions.

As prayed for, list on 22.05.2023.

(Ajay Mohan Goel)
Judge

April 19, 2023
(narender)