

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- SWP No. 895/2013

**Sh. Surinder Kumar Gupta, Age 76 years,
S/o Late Sh. Krishan Dass Gupta,
R/o H. No. 207, Sector 4, Pamposh Colony,
Janipur Jammu.**

.....Petitioner(s)

Through: None.

Vs

- 1. University of Jammu through
Registrar Baba Saheb Ambedkar Road, Jammu;**
- 2. Vice Chancellor, University of Jammu,
Baba Saheb Ambedkar Road, Jammu;**
- 3. Incharge Librarian, Jammu University.**

..... Respondent(s)

Through: None.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

**ORDER(ORAL)
(03.03.2025)**

- 1. Through the medium of instant petition, the petitioner seeks the following reliefs:-**

“(i) An appropriate writ, order or direction in the nature of writ of certiorari whereby quashing the order of respondent No.1 bearing No. Estab./13/18802 dated 07.01.2013 as the same is patently illegal, arbitrary, not in terms of the judgment/order of this Court as well as University Notification/Guidelines and also on the analogy of Kashmir University.

(ii) An appropriate writ, order or direction in the nature of writ of certiorari whereby quashing the order of respondent No. 1 bearing No. Estab./2000/1300-6 dated 15.5.2000 so far as it relates to allowing the selection grade w.e.f. 13.2.1991 instead of 7.8.1988 also being patently illegal, arbitrary and against the University Notification and recommendation of experts which were approved by the then Registrar and Controller of examination as well as Financial Advisor to Universities.

(iii) An appropriate writ, order or direction in the nature of writ of mandamus whereby directing the respondents to place the petitioner as Asstt. Librarian Selection grade carrying pre revised pay scale of Rs.3700-5700 w.e.f. 7.8.1988 instead of 13.2.1991 in terms of Cl9(1)(a)(iii) of University

Notification dated 13.3.1990 and accordingly settle, release and pay all the consequently service benefits to the petitioner.

(iv) Any other writ, order or direction befitting the occasion may please also be allowed in favour of the petitioner and against the respondents.”

2. The record reveals that in the instant petition, notice was issued on 26.04.2013 and the last date of hearing in the case was 15.05.2015. Since then, the petitioner has not made any effort to get the instant petition listed and this petition has come up for hearing after ten years. Today, when the instant petition was taken up, none appeared on behalf of the petitioner.
3. **Objections** stand filed on behalf of the respondents, in which the respondents have taken a preliminary objection that the University Council vide its Resolution No. 61 dated 06.10.1989 approved the Modalities/Procedure for placement of Teachers, Assistant Registrars/Assistant Librarians and Assistant Director of Physical Education in Senior Scale/Selection Grade, whereunder at point 9, it was *inter-alia* observed as under:-

“Point-9:-Placement/Promotion of Assistant Librarians/Assistant Director of Physical Education to the post of Deputy Librarian /Dy. Director of Physical Education.

- (i) ***That every Assistant Librarian and Assistant Director of Physical Education who has been placed in the Senior Scale will be eligible for promotion to the post of Deputy Director Librarian and Deputy Director of Physical Education respectively in the scale of pay of Rs. 3700-5700 if he has;***
 - (a) ***Completed 08 years of service in the senior scale; provided that the requirement of 08 years will be relaxed if his total service is not less than 16 years.***
 - (b) ***Obtained a Ph. D Degree an equivalent published work;***
 - (c) ***Made significant contributions to the development of Library services/ Physical Education in the University as evidenced by self assessment reports of referees, professional improvement in the Library services/Physical Education activities etc., as the case may be ;***
 - (d) ***Participated in refresher courses/summer institutes for a total duration of approximately 08 weeks or engaged in other appropriate continuing education programme comparable quality as may be specified by the UGC, after placement in the senior scale. However, the condition of their participation in refresher course / summer institutes as mentioned above be relaxed up to the end- of December, 1990. Meanwhile the process of deputing teachers for attending refresher courses in the Academic Staff College***

be initiated. The work of deputees during the period of their deputation be carried out by making internal arrangement.

(e) Consistently good performance appraisal reports.

(i i) Promotion to the post of Deputy Librarian/Deputy Director of Physical Education shall be made through a process of selection by a Selection Committee mentioned under Clause 4(ii) above.

(i i i) That the Assistant Librarians and Assistant Director of Physical Education in the Senior Scale who do not have Ph.D. degree or equivalent published fulfill the other criteria mentioned at 9(i) above shall be placed in the grade of Rs. 3700-5700 subject to the recommendations of the Committee mentioned at 6 above. They shall be designated as Assistant Librarians and Assistant Director of Physical Education in the Selection grade.

(i v) In case a Assistant Librarians/Assistant Director of Physical Education is not found suitable for placement in the senior scale/Selection grade or for promotion to the post of Deputy Librarian/Deputy Director of Physical Education, the reasons shall be communicated to him.

(v) That the post of incumbent promoted as Deputy Librarian/Deputy Director of Physical Education or placed in the selection grade as the case may be shall be upgraded. The upgraded post shall be personal to the incumbent and shall automatically stand reduced to that of an Assistant Librarian/Assistant Director of Physical Education (present pay scale of Rs. 2200-4000) as and when he vacates the post.

(v i) That an Assistant Librarian/Assistant Director of Physical Education/Documentation Officer who is not found suitable for placement in the Selection Grade or for promotion to the post of Deputy Librarian/Deputy Director of Physical Education shall be eligible for reconsideration after 02 years from the date of rejection.”

4. The further stand taken by the respondents is that the case of the petitioner in terms of the order passed by this Court in SWP No. 2137/2012 has again been considered and it has been found that the petitioner has been rightly placed in the Senior Scale of Rs. 3000-5000 w.e.f. 01.01.1986 and in the selection scale of Rs. 3700-5700 on the analogy of Kashmir University w.e.f. 10.07.1991.

5. The respondents have further pleaded that the petitioner along with other eligible Assistant Librarians were placed in the selection grade of 3000-5000 w.e.f. 01.01.1986 and on the representation made by the petitioner and other Assistant Librarians to the Chancellor for their placement as Assistant Librarians, Senior Scale, they were placed in the Selection Grade of 3700-5700 on the analogy of Kashmir University w.e.f. 13.02.1991. According to learned counsel for the respondents, the Jammu University constituted a

Committee of two Registrars and Special Assistant to Financial Advisor, which Committee while deliberating on the issue on 10-3-1998, observed that the Kashmir University while relaxing the condition of putting 8 years services in Jr. Scale, has not observed the condition of having put in total service of not less than 16 years, but has placed one of his Assistant Librarian (Mr. A.R. Mufti) in the Selection Scale just after putting in five years on month and twelve days' service in the Senior Scale and total service of about 13 years as Assistant Librarian. After due deliberations, the Committee recommended that about eight Assistant Librarians of Jammu University including the petitioner be placed in the Selection Scale of 3700-5700 under Career Advancement Scheme on the analogy of Kashmir University putting 5 years 01 month and 12 days' service in Senior Scale, as has been done by the Kashmir University in relaxation of modalities by the University Council. The action taken by the Vice-Chancellor was placed before the University Council for consideration and the University Council vide its resolution No. 57 in its meeting held on 23.05.1998 resolved as under:-

“Resolved that the action taken by the Vice-Chancellor be confirmed in relaxation of the University Grants Commission modalities.

Resolved further that both the Universities of Kashmir and Jammu shall ensure that the U.G.C. modalities for similar placement of Library Officers be henceforth implemented in toto and that this relaxation shall not form a placement in future.”

6. The case set up by the petitioner that he is entitled to the benefit of selection grade w.e.f. 07.08.1998 on completion of 16 years of service, is factually incorrect and contrary to the record. The petitioner is entitled to the selection grade in terms of the University Council Decision 61 dated 06-10-1989, wherein the conditions for eligibility to the selection grade have been provided.

7. The further stand of the respondents is that the petitioner was granted the benefit of selection grade on the analogy of Kashmir University Decision, wherein the condition of 8 years' service in Senior Scale was relaxed and one Assistant Librarian was placed in the selection grade after putting in 05 years 01 month and 02 days of

service and the petitioner was also given the benefit of selection grade on completion of the above stated length of service in the Senior Scale by relaxing the condition of Paragraph-9 of the Council Decision. Thus, the petitioner is not entitled to the selection grade on completion of 16 years, as stated by the petitioner and, therefore, the averments made in these grounds are totally wrong and, therefore, are denied.

8. Thus, as per the stand of the respondent-University, no fruitful purpose would be served to keep this petition pending, as the grievance of the petitioner stands redressed and this is the precise reason that there is no representation on behalf of the petitioner. Accordingly, the writ petition is ***dismissed for non-prosecution*** and also on merits along with all connected applications, as the grievance of the petitioner stands redressed.

JAMMU
03.03.2025
Ram Krishan

OF HIGHER COURT (WASIM SADIQ NARGAL)
AND JAMMU JUDGE

Whether the order is speaking? Yes/No
Whether the order is reportable? Yes/No

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