

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.1220 of 1994 (O&M)
DATE OF DECISION : 22.1.2015

Dr.Iqbal Singh Dhillon

PETITIONER

VERSUS

Panjab University, Chandigarh

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri J.S.Ahluwalia, Advocate for the petitioner.

Shri Gautam Pathania, Advocate for the respondent.

MAHESH GROVER, J.

The petitioner after having taught as a Lecturer in English, was selected as Director, Youth Welfare in the Panjab University in the year 1978. During his service tenure, he improved upon his qualification to acquire a Doctorate Degree. The rules of Panjab university as contained in the Calendar Volume-III contemplate grant of increments for all categories of employees in the eventuality of their improving upon their qualification. For the purpose of

reference, the relevant rule is extracted here below :-

“(i) Ministerial Staff, All categories of non-teaching Staff and such other employees as the syndicate may approve for this purpose : For passing B.A. (Full), M.A. B.L./LL.B./LL.M. Diploma Course in office organization and procedure and A.M.I.E. Examination(s), one increment for each of these examinations upto a maximum of three increments even if an employee passes more than three examinations.”

The petitioner then pressed for his claim for increments in terms of the aforesaid rule which was denied to him by the University on the reasoning which is reflected in the decision of the Syndicate as also the reply to the petition as under :-

“The Vice-Chancellor vide orders dated 11.8.1988 passed the following orders :-

“DYW may be informed that unless he is able to cite rules and regulations no further action is possible.”

The above orders of the Vice-Chancellor were conveyed to the Director, Dr.Dhillon again represented his case and the Vice-Chancellor desired the comments of the Registrar. The then Registrar, in his note dated 29.11.1988 had given the following comments :-

1. xxx xxx xxx

1A. However, for passing the examinations mentioned under Rules 27 (page-90/91 of Cal.Vol.III) the Class 'C' and Class 'B' employees (Clerks/Assistants) get the accelerated increments upto the maximum of three (3)

in all in each case. This concession is not available to the class 'A' employees viz. Superintendent and PAs. Thus, when a Clerk/Assistant acquired a doctoral degree the practice so far has been to recommend two accelerated increments presumably, because, they otherwise are entitled to such increments under Rule-27.”

In the reply, it has been stated that the benefit of additional increments was admissible only to non-teaching technical categories and the petitioner who belongs to the non-teaching non-technical Class-A posts having a higher pay-scale of Rs.3700-5000, is not entitled to the said benefit.

Having considered the matter, I am of the view that stand of the University has to be negated. The rule extracted above does not reflect the benefit of increments to non-teaching non-technical Class-A posts as has been pleaded by the respondents. Rather, it talks of admissibility of such a benefit not only to ministerial staff but to all categories of non-teaching staff and such other employees as the Syndicate may approve. There is no distinction such as the one sought to be introduced by the respondents regarding any post being non-technical and the benefit being restricted to other categories of employees than the Class-A posts. The petitioner's case would squarely fall within all categories of non-teaching staff and thus entitled to increments for higher qualification.

The rules being silent in this regard, the interpretation placed by the respondents is without any basis and rather, seems to restrict an incentive which was rightly placed and contemplated in the rules to encourage employees to acquire higher qualifications. Besides, an amendment was carried out in 2005 where the benefit has been made admissible to all categories of employees of non-

teaching staff. This has washed away whatever little ambiguity that existed in the minds of the respondents.

Dehors this, the question still remains that as per the existing rules also prior to the amendment of 2005, the petitioner could not have been denied the benefit of accelerated increments.

The petition is therefore, accepted and the petitioner is held entitled to the accelerated increments which may be released to him as expeditiously as possible, preferably within a period of two months from the date of receipt of a certified copy of this order.

January 22, 2015
GD

(MAHESH GROVER)
JUDGE