

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

**CWP No.22526 of 2015
Dated of Decision: 29.10.2015**

Dr. Rajender Parsad

-----Petitioner

Vs.

Maharshi Dayanand University and others

-----Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: Mr. Naveen Kumar, Advocate
for the petitioner.

Mr. Anurag Goyal, Advocate
for the caveator.

HARINDER SINGH SIDHU, J.

The petitioner was initially appointed as Lecturer in Physical Education in respondent-University at its P.G. Regional Centre, Rewari on 05.10.1991. He was promoted as Associate Professor on 01.01.2006.

He had filed CWP No.17781 of 2012 praying that he be absorbed in Maharshi Dayanand University, Rohtak in the Department of Physical Education.

When the matter came up for hearing, it was brought to the notice of the Court that the issue of absorption of the petitioner is pending before the Executive Council of the University. Accordingly, this Court vide order dated 01.10.2012 directed that the case of absorption/regularization of the petitioner with M.D. University, Rohtak

be considered by the Executive Council. The Executive Council vide its resolution No.55 dated 12.10.2012, resolved that the petitioner be permanently transferred to the Department of Physical Education of the respondent University along with post. The Court was informed of the said decision and the writ petition was disposed of as having become infructuous. Thereafter, the petitioner has been working as Professor in M.D. University.

An agenda item was circulated for being placed before the Executive Council in its meeting to be held on 19.10.2015 for review of resolution No.55 dated 12.10.2012, whereby the petitioner had been transferred permanently with the post to the respondent-University. The review was sought on the ground that the earlier decision of the Executive Council has not attained the finality because there was no consent of the Governor/Chancellor and necessary approval of the Finance Department, was not obtained which is pre requisite for implementing the decision of the Executive Council. However, the meeting of the Executive Council was not held and is likely to be held soon.

The petitioner has filed this writ petition impugning the aforesaid agenda item and seeking directions to restrain the University from reviewing the earlier decision of the Executive Council.

Heard learned counsel for the petitioner and Sh. Anurag Goyal, learned counsel for the Caveator-respondent-University.

In view of the fact that no final decision has yet been taken to review the earlier resolution of the Executive Council, it may

be proper that the petitioner be permitted to file representation before the Executive Council pointing out the facts of the case and bringing it to notice of the Executive Council that the earlier decision of the Executive Council had been brought to the notice of the Court, whereafter the CWP filed by the petitioner had been disposed of as infructuous.

If the petitioner files such representation within one week from today, the Executive Council would take note of the same before taking any decision to review its earlier resolution. If any adverse order is passed against the petitioner, the same be not implemented for a period of three weeks after the same is conveyed to the petitioner. The petitioner shall have the liberty to challenge the said order in accordance with law.

Regarding, the other prayer namely for treating the earned leave as duty leave, the petitioner may submit representation before the competent authority, which would take a decision in accordance with law. If the petitioner is aggrieved by the said order, he would be at liberty to challenge the same.

Learned counsel for the petitioner does not press the third prayer regarding his appointment as Head of Department of Physical Education, at this stage. Accordingly, it is left open to the petitioner to raise the said grievance at a later stage as may be deemed appropriate.

Disposed of.

(HARINDER SINGH SIDHU)
JUDGE

29.10 .2015
Atul