

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

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**CWP No.4054 of 2015 (O&M)**

**Date of Decision: 18.05.2015**

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Dr. AL Gauba

... Petitioner

VS.

Union of India & Ors.

... Respondents

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**CORAM: HON'BLE MR.JUSTICE SURYA KANT**

**HON'BLE MR.JUSTICE P.B. BAJANTHRI**

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Present: Mr. BS Giri, Advocate for the petitioner

Mr. Vikas Chatrath, Advocate for respondent No.1 to 4

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**SURYA KANT, J. (Oral)**

(1) The petitioner's claim to grant him arrears of pay and other benefits for the period he held the post of Principal on Officiating basis in Government College, Sector 11, Chandigarh has been turned down by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') vide order dated 31.01.2014 (Annexure P1) primarily on three counts, namely, (i) there were persons senior to petitioner in the cadre of Lecturers/Associate Professors and without they having been promoted, he could not have officiated as Principal; (ii) the Current Duty Charge (CDC) given to a junior person even for a long period does not entitle him to seek service benefits as such an assignment is contrary to Articles 14 and 16 of the Constitution; and (iii) the petitioner was given assignment as a make-shift arrangement only.

(2) The petitioner has specifically averred that as on the date when he started officiating as Principal, he was the senior-most

Lecturer in the cadre as his seniors had by that time retired on attaining the age of superannuation. It is his case that the petitioner being the senior-most Lecturer, was otherwise fully eligible and entitled to be promoted on regular basis and the inaction of authorities should not work to his disadvantage. It is also the case of petitioner that he held Ph.D. degree with 10 years' experience and not only that he was in the zone of consideration but was also due for promotion as Principal. In other words, it is urged that the petitioner was asked to perform the duties of Principal on Officiating basis even when he was entitled to hold that post as a matter of right.

(3) Since the above-stated factual plea(s) taken by the petitioner are likely to have material bearing on the relief sought by him, we allow this writ petition; set aside the orders dated 31.01.2014 and 10.03.2014 and remit the case to the Tribunal for a fresh adjudication after ascertaining the correct facts.

(4) Parties are directed to appear before the Tribunal on 06.07.2015.

**(Surya Kant)**  
**Judge**

**18.05.2015**  
*vishal shonkar*

**(P.B. Bajanthri)**  
**Judge**