

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

**CWP No.8280 of 2015(O&M)
Date of Decision: 02.06.2015**

Gurjant Singh & ors.

... Petitioners

Versus

Baba Farid University of Health Sciences, Faridkot & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Harinder Sharma, Advocate,
for the petitioners.

Mr. Manish Dadwal, Advocate,
for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

C.M. No.7418 of 2015

C.M. is allowed. Replication is taken on record, subject to all just exceptions.

CWP No.8280 of 2015

This writ petition was filed against show cause notice dated 9.4.2015 issued by the Registrar, Baba Farid University Health Sciences, Faridkot, calling objections, if any, from Personal Assistants working in BFUHS where pay scale of Personal Assistants has been erroneously fixed equivalent to the pay scale of Private Secretaries of Punjab Government. The show cause notice has been issued on the assumption that pay scales are attached to the post and not with the final equivalence with any other post. The show cause notice has been served at a stage when the Board of Management was in the process of fixing the scale of Assistants as Rs.10300-34800+4800 G.P. working in the Punjab Government under the

revised pay Rules, 2011, a copy of which is at Annexure P-6. The time to respond to the show cause is long over. This petition was filed on 30.4.2015. The status is that the petitioners have not submitted their reply since they were in process of collecting information under the Right to Information Act, 2005, which information has been supplied during the pendency of this writ petition. It is, therefore, evident that the petitioners were not equipped with the material they wish to place before the Board of Management for a just and fair consideration of their case for fixing their pay scales at the level of the Private Secretaries in the Punjab Government.

Mr. Sharma submits that though the petitioners did not respond to the notice dated 9.4.2015, but they had made representation dated 27.4.2015 to the University for favourable consideration of their case. The said representation has been placed on record as Annexure A-1 appended with C.M. No.5771 of 2015.

Instead of involving a technical procedure in receiving reply to the show cause notice, the joint representation filed by the petitioners would be treated as reply to the show cause notice dated 9.4.2015 and by enlargement of time, the respondent-University would deal with and consider the point of view of the petitioners for granting them the pay scale of Private Secretaries working in the Punjab Government.

Since the writ petition was filed at a pre-mature stage, no useful purpose would be served by keeping it pending only to await the final decision of the Board, which in case is adverse to the interest of the petitioners they would always remain subject to challenge on merits.

In the circumstances, this petition is dismissed as pre-mature with a direction to the respondents to treat the representation (Annexure A-1) as a reply to the show cause notice and with the liberty to file a detailed

additional reply/objections to the show cause notice within 15 days from the date of receipt of certified copy of this order and after affording an opportunity of hearing to the petitioners, the respondent-University would pass a reasoned and self speaking order containing reasons for arriving at the conclusions reached. This exercise may be done within 3 months from the date of receipt of additional reply/objections to the show cause notice and till such time as the decision is not taken, status quo will be maintained with respect to recovery. In the event, the pay is reduced, the position will be maintained in status quo after the final order is passed for another 30 days for the petitioners to approach this Court, in case the decision is adverse to them.

02.06.2015
monika

(RAJIV NARAIN RAINA)
JUDGE