

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

LPA No. 938 of 2015. [O&M]
Date of Decision: 04th August, 2015.

Bhagat Phool Singh Mahila Vishwavidyalaya Khanpur Kalan & Anr.

Appellants through
Mr. Anurag Goyal, Advocate with
Mr. Amit Rao, Advocate.

Versus

Dr. B.C.Arya & Ors.

Respondents through
Yesh Paal Malik, Advocate

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers 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?**

SURYA KANT, J. [ORAL]

CM No. 1965 of 2015.

The prayer in this application is for condoning the delay of
230 days in filing the appeal.

[2]. Two grounds have been pleaded in Para Nos. 2 and 3 of
the application seeking condonation of delay which are as follows:-

*“2. That the judgment in the above mention writ petition
was reserved on 26.08.2014, thereafter the appellants/
respondents No. 2 and 3 kept on waiting for the
judgment, however when the same was not pronounced
the appellants had applied for the judgment on
02.12.2014 and the same was made available to the
appellants only on 10.04.2015.*

*3. That after receiving the judgment the appellants
waited for the sufficient time to receive the funds from the
State Government being 100% aided, however, no funds
were received till the filing of the present LPA the*

appellants were constrained to file the present LPA and it is in these circumstances a delay of 230 days has occurred which is neither intentional nor deliberate”.

[3]. The first plea taken by the University is contrary to the record. The judgment was dictated by learned Single Judge in open Court [Oral] and is dated 26.08.2014 itself. There was no occasion for the University to wait for its pronouncement and then to apply for its certified copy on 02.12.2014 when the limitation period for an intra-court appeal is 30 days only. Even after getting certified copy on 10.04.2015, the appeal was filed beyond 30 days, resulting into delay of 230 days.

[4]. The second ground, namely, that the appellants were waiting for the State Government to release funds in compliance of the judgment of learned Single Judge certainly suggests that the University is not aggrieved by the judgment of learned Single Judge and it is on the insistence of the State Government that the appeal is being filed as the University is an 100% Government Aided Institution. We are, thus, satisfied that no case to condone the delay is made out. The application deserves to be dismissed.

[5]. Ordered accordingly.

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[6]. Having declined to condone the delay, we may in all fairness point out that the appeal has been directed against the order dated 26th August, 2014 whereby learned Single Judge has held the respondents who are working as Lecturers in MSM Institute of Ayurveda being run by the appellant – University, entitled to UGC pay

scales from the date of their appointment, i.e., 21.05.2007.

[7]. We have heard learned counsel for the parties on merits also as the respondents are on caveat. In our considered opinion, on merits also the order passed by the learned Single Judge does not warrant any interference. We say so for the reason that the appellant University, following the recommendations of Central Council of Indian Medicines, recommended the State Government to grant UGC pay scales to its Faculty Members in the Ayurvedic College. The University claimed parity in this regard by pointing out that several government funded Ayurvedic Universities in the country have granted UGC Pay Scales to their Faculty Members.

[8]. It is undeniable that in the advertisement against which private respondents applied and were selected, it was stipulated that their pay scales would be as per University norms. The Selection Committee of the University while recommending the names of private respondents, expressly stated that they shall be entitled to UGC pay scales and those recommendations were duly approved by the Vice-Chancellor and the Executive Council of University in its 5th meeting held on 14.05.2007. The decision taken by the Executive Council states that *"it also approves appointment of Lecturers in UGC scales as recommended by the Selection Committee....."*.

[9]. Thereafter only, the private respondents were appointed in the UGC pay scale which was mentioned in their appointment letters, like dated 21.05.2007. Due to abrupt withdrawal of UGC pay scale drawn till August, 2010 and the resultant reduction in their pay, prompted the private respondents to approach this Court as it

amounted to adverse alteration in their service conditions and that too without giving them an opportunity of hearing.

[10]. The view taken by learned Single Judge in this backdrop that the private respondents are entitled to UGC pay scale from the date of their appointment, is just, fair and equitable. Resultantly, the pay of the respondents shall be re-fixed in the UGC pay scale w.e.f. the date of their initial appointment but the arrears shall be paid for the post-August, 2010 period only.

[11]. Since the State of Haryana was a party-respondent and has been duly heard by learned Single Judge, we see no reason for its reluctance against compliance of the directions issued by the learned Single Judge.

[12]. Dismissed. Dasti.

(SURYA KANT)
JUDGE

August 04, 2015.
dinesh

(P.B.BAJANTHRI)
JUDGE