

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

CM No.1296 of 2015 in/and
CWP No.1204 of 2005 (O&M)
Date of decision: 19.01.2016

Mrs. Sushila Devi Chauhan and others

...Petitioners

versus

Maharishi Dayanand University, Rohtak and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.S. Patwalia, Senior Advocate,
with Mr. Karan Malik, Advocate,
for the petitioners.

Mr. B.L. Gupta, Advocate,
for the respondents.

RITU BAHRI, J.

The petitioners are seeking direction to the respondents to permit them to continue to work as Lecturer(s) in the respondent-University on adhoc basis till such time the posts are filled up on regular basis.

This petition was admitted on 04.07.2005. While admitting, an observation was made by a Division Bench of this Court that the petitioners will be permitted to continue to function till the appointments are made on regular basis. During the pendency of this petition, the petitioners have filed CM No.1296 of 2015 to decide the present petition in view of the judgment dated 21.11.2014 passed by a Division Bench of this Court in **Maharishi Dayanand University, Rohtak and others Vs. Dr. Anil Khurana and others,** LPA No.2104 of 2013 (Annexure A-2).

The person similarly appointed as that of petitioners had filed

CWP No.13946 of 2004 titled as **Dr. Anil Khurana and others Vs. Maharishi Dayanand University, Rohtak and others** with identical prayer. The said petition was allowed vide order dated 03.09.2013 (Annexure A-1). The respondent-University filed LPA No.2104 of 2013, which was dismissed vide order dated 21.11.2014 (Annexure A-2).

However, during the pendency of petition, services of petitioner Nos. 3, 5 and 6 have been regularized by the respondent-University and the remaining petitioners have left the posts of Lecturer in the University. Now the petitioners are seeking the benefit of salary for the period of notional breaks created in their service by relieving them during the summer vacations and re-appointing them at the start of the academic session. This issue has been finally decided vide judgment dated 21.11.2014 (Annexure A-2).

Learned counsel for the parties are not in dispute that the judgments dated 03.09.2013 and 21.11.2014 (Annexures A-1 and A-2) have been implemented by the Maharishi Dayanand University, Rohtak. As per judgment dated 21.11.2014 (Annexure A-2), the petitioners have been granted pay for the period commencing three years prior to filing of the petition till they held the service beyond vacation. Further, in view of the judgment of Full Bench in **Avtar Singh Vs. State of Punjab**, CWP No.14796 of 2003 (decided on 11.11.2011), the petitioners were held entitled to the minimum of regular pay scales for the period of three years commencing prior to the institution of the writ petition till the date when the respective services were terminated. The present case is squarely covered by the judgments (Annexures A-1 and A-2).

In view of the above, the present petition is disposed of by

giving a direction to respondent-University to give necessary relief to the petitioners as per judgments passed by this Court in CWP No.13946 of 2004 and LPA No.2104 of 2013 (Annexures A-1 and A-2) within a period of three months from the date of receipt of certified copy of this order.

(RITU BAHRI)
JUDGE

19.01.2016.
ajp