

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

CWP No. 13923 of 2013

Date of Decision: 01.12.2016

S.K. PUNJ

... Petitioner

VS.

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana,
for respondent No. 1 and 2.

Ms. Bhagyashri, Advocate,
for Mr. Vinod Bhardwaj, Advocate,
for the respondent No. 3.

Mr. K.K. Gupta, Advocate,
for respondent No. 4 (AICTE).

Mr. Balbir Kumar Saini, Advocate,
for Mr. B.L. Gupta, Advocate,
for respondent No. 5.

KULDIP SINGH, J. (Oral)

The petitioner has preferred the present writ petition filed under Article 226/227 of the Constitution of India for issuance of writ of mandamus directing the respondents to pay allowances and other service benefits such as gratuity and leave benefits etc. as per the Sixth Pay Commission and its revised pay-scales w.e.f. 01.01.2006 alongwith arrears.

The brief facts of this case are that the petitioner was working as a Professor with the respondent No. 3, the Director, Technological Institute of Textile & Sciences, Birla Colony, Bhiwani (Haryana) and retired from service on 31.12.2009 at the age of 60 years. He claims that as per notification dated

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17.04.2009 (*Annexure P-1*), the petitioner is not being granted revised pay-scales, gratuity and other benefits w.e.f. 01.01.2006 as recommended by the 6th Pay Commission.

The respondent No. 3 in his reply has taken the stand that since, the Technological Institute of Textile and Sciences, Bhiwani is a self-financing Institute, therefore, the Institute is not bound by the letters/instructions of the Haryana Government.

I have heard learned counsel for the parties.

Learned counsel for the petitioner has argued that the respondent No. 3 Institute is getting grant-in-aid from the Government and for this purpose reliance has also been placed on the documents (*Annexures P-9 and P-11*)

The perusal of *Annexure P-9* shows that it is a document showing the grant for two projects/schemes which does not amount to grant-in-aid to run the Institute. The perusal of *Annexure P-11* shows that it is merely a proposal for accreditation to be submitted before the National Board of Accreditation, New Delhi, wherein there is a mention under proposal No. 7.11 that the gratuity shall be paid as per Haryana Government Rules. There is nothing else on the file to show that the respondent No. 3 Institute is receiving any grant-in-aid from the Haryana Government or from the Central Government. Therefore, the plea of the respondent No. 3 Institute has to be accepted that it is a self-financing Institute.

In the reply, the respondent No. 3 has also taken the stand that they have decided to implement the recommendations of Sixth Pay Commission w.e.f. 01.01.2006 subject to certain conditions. The said recommendations are not automatically binding upon them.

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As respondent No. 3 Institute is a self-financing Institute, therefore, it is not the State within the meaning under Article 12 of the Constitution of India, therefore, no writ lies against the respondent No. 3 Institute. Moreover, respondent No. 3 Institute has decided to implement the recommendations of the Sixth Pay Commission w.e.f. 01.01.2006 subject to certain conditions which are binding on its employees.

It being so, there is no ground to grant the pay and allowances and other service benefits such as gratuity, leave benefits to the petitioner as per the recommendations of the Sixth Pay Commission w.e.f. 01.06.2006.

In view of the above, the writ petition stands dismissed.

December 1, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

<i>Whether speaking / reasoned</i>	✓ Yes / No
<i>Whether Reportable</i>	✓ Yes / No