

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 14491 of 2016 (O&M)

Date of Decision: 25.07.2016.

Dr. Vibha Gupta

--Petitioner

Versus

M.D. University, Rohtak & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. N.K. Malhotra, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

As per pleadings on record petitioner was appointed on the post of Lecturer, Chemistry on 15.10.1995 at Vaish College of Engineering, Rohtak. Thereafter, petitioner earned promotions to the post of Assistant Professor, Associate Professor and Professor on 21.9.2006, 2.9.2011 and 19.12.2011 respectively. Petitioner tendered her resignation from the post of Professor vide communication dated 25.1.2016 at Annexure P-7.

Prayer in the present petition is for the issuance of a Writ of Mandamus for directing the respondents to release to her salary for the period 1.10.2015 to 25.4.2016 including the three months notice period in lieu of resignation.

During the course of hearing today counsel was confronted with the resignation letter dated 25.1.2016 at Annexure P-7, wherein the petitioner had herself clearly stated that she is resigning from the post of Professor, Chemistry effective from 25.1.2016 afternoon.

In the light of such situation, counsel makes a statement at the bar that he is confining the claim and scope of the instant petition only with regard to salary for the period 1.10.2015 till 25.1.2016 i.e. the date she had

tendered her resignation and effective w.e.f. 25.1.2016 itself. As per counsel, the petitioner had discharged her duties for such period and as such, she is vested with a right to claim salary for such period. Counsel further submits that the petitioner would also be entitled to other admissible retiral benefits against the backdrop of her initial appointment to the post of Lecturer in the year 1995.

Against the limited and confined prayer raised by counsel during the course of hearing today and without making any observations on merit, the present petition is disposed of with liberty to the petitioner to submit a representation/claim with regard to the prayers made by counsel during the course of hearing today. It is directed that in case any such representation is preferred, the respondent authorities/competent authority would be obligated to consider the same and to take a final decision thereupon within a period of three months from the date of submission of such representation. In the eventuality of the petitioner being found entitled to the claim set up, the requisite financial benefits would be released forthwith. However, in case the claim of the petitioner is found not admissible, the respondent authorities would be obligated to pass a speaking order furnishing reasons for rejection of the claim and to convey such order to the petitioner.

It is clarified that the claim to be now set up by the petitioner in her representation and for which directions have been issued is proceeding on the conceded position that the petitioner stands resigned from the post of Professor, Chemistry in Applied Sciences w.e.f. 25.1.2016.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.07.2016
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