

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

CWP No.16530 of 2016 (O&M)

Date of decision:16.08.2016

Devender Singh

... Petitioner

Vs.

State of Haryana & others

... Respondents

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

Present: Mr. Sushil Jain, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner was appointed on 22.08.2008 as Director Principal of Chaudhary Devi Lal State Institute of Engineering and Technology, Sirsa. Such institute is stated to be affiliated to Chaudhary Devi Lal University, Sirsa.

Grievance raised in the instant petition is that the pay scale/other emoluments envisaged under a Notification dated 04.01.2016 (Annexure P-3) are being denied to the petitioner.

Counsel has argued that the Notification dated 04.01.2016 issued by the All India Council for Technical Education (hereinafter to be referred to as 'AICTE') at Annexure P-3 applies to technical institutions conducting technical education and such other courses/programs as notified by the Council and as such, the Notification would even apply to respondent/ institute where the petitioner is serving. Even the order dated 03.12.2010 issued from the office of Financial Commissioner and Principal Secretary, Government of Haryana, Technical Education at Annexure P-2 has been adverted to in terms of which for the post of Director Principal the revised pay scale granted was 37400-67000 (Rs.3000 as special allowance

per month) against the backdrop of the un-revised pay scale recommended by AICTE itself. Argument formulated is that by necessary interference the AICTE pay scales have already been adopted by the State Government and as such even the scale/emoluments as per Notification dated 04.01.2016 issued by the AICTE at Annexure P-3 should be made applicable in favour of the petitioner.

Mr. Sushil Jain, learned counsel would, however, very fairly submit that the Notification dated 04.01.2016 at Annexure P-3 cannot possibly have binding effect and would be only recommendatory in nature. He, however, submits that the respondent/authorities are obligated to consider the claim of the petitioner in the light of the recommendations contained in the Notification dated 04.01.2016 at Annexure P-3 and to thereafter take a final view on his claim.

In the light of the submissions addressed by the counsel and the facts noticed hereinabove, I deem it appropriate to dispose of the present petition with a direction to respondent No.1 to consider the claim of the petitioner in accordance with law and to take a final decision on the representation dated 08.07.2016 (Annexure P-6) expeditiously.

It is clarified that the observations made in this order would not be construed as an opinion of this Court on the merits of the case.

Disposed of.

16.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether reasoned/speaking? | Yes |
| ii) | Whether reportable? | No |