

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.510 of 2016 (O&M)

Date of Decision: April 04, 2016

State of Haryana

.....Appellant

versus

Dr.B.C.Arya and others

.....Respondents

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

Present: Mr.G.S.Wasu, Additional AG, Haryana,
for the appellants.
Mr.Yesh Paul Malik, Advocate,
for the caveator-respondent No.1.

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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)

Notice of motion.

Mr.Yesh Paul Malik, Advocate accepts notice on
behalf of respondent No.1. who is on caveat.

This letters patent appeal is directed against the
order dated 26.08.2014 whereby the learned Single Judge
allowed the writ petition filed by private-respondents who are
Faculty Members of MSM Institute of Ayurveda, Bhagat Phool
Singh Mahila Vishwavidyalaya, Khanpur Kalan, District Sonapat
and directed the authorities to grant them UGC pay-scale in
the revised pay-band of Rs.15600-39100+AGP Rs.6000/-

alongwith all the arrears from the date of their initial appointments.

[2] It is the conceded position that the respondent-University also felt equally aggrieved and filed LPA No.938 of 2015 which was dismissed by us on August 04, 2015 though with a clarification/modification with regard to the entitlement of respondents towards payment of arrears. The operative part of the said order reads as follows:-

“...[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...”

[3] The State of Haryana has now preferred the instant appeal alongwith an application for condonation of delay of 298 days.

[4] Regardless of the inordinate delay or the fact that appeal against the same order of learned Single Judge has already been dismissed, we have heard learned counsel for the appellants at a considerable length. It is urged that in view of

Section 14 of the Bhagat Phool Singh Mahila Vishwavidyalaya Act, 2006, the University was not competent to create teaching and non-teaching posts or appoint the staff or revised pay-scales of the teaching and non-teaching staff “without obtaining prior approval of the State Government”.

[5] We have given our thoughtful consideration to the submission but find no substance therein. The learned Single Judge has given a specific reference to the decision taken by the Executive Council of the University in its 5th meeting held on 14.05.2007 (P-4) under the Chairmanship of its Vice Chancellor. It stands crystalized from a plain reading of the proceedings appended with the writ petition (Annexure P-4) that the Vice Chancellor of the University was the then Commissioner and Secretary, Social Welfare Department of the Government of Haryana and out of eight other members of the Executive Council, except two Professors who were Chancellor's nominees, rest of the six members were also senior Government officers including the Commissioner of Higher Education, Special Secretary, Health, as well as two more IAS Officers. It would thus be seen that the Executive Council consisting nine members, out of whom seven were senior functionaries of the State Government. It is difficult to accept that a decision taken by them in the aforesaid meeting can be termed as a decision not with the concurrence of the State Government.

[6] For the reasons already assigned in the order dated 04.08.2015 passed in LPA No.938 of 2015 (Bhagat Phool Singh Mahila Vishwavidyalaya Khanpur and another versus Dr.B.C.Arya and others) read with the observations made herein-above, no case to interfere with the order under appeal

is made out.

Dismissed.

[SURYA KANT]
JUDGE

April 04, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.1107-LPA of 2016 in
LPA No.510 of 2016

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State of Haryana and others vs. Dr.B.C.Arya and others

Present : Mr.G.S.Wasu, Additional AG, Haryana,
for the applicant-appellants.

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Since we have dismissed the appeal on merits, no
separate order is required to be passed on the application for
condonation of delay of 298 days in filing the appeal.

(SURYA KANT)
JUDGE

April 04, 2016
mohinder

(P.B.BAJANTHRI)
JUDGE