

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

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CWP No.2809 of 1992 (O&M)

Date of Decision : 03.02.2017

Dr. P.P.Mehta (since deceased through his LRs)

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Prateek Gupta, Advocate
for the petitioners.

Mr. Hitesh Pandit, Additional Advocate General, Haryana
for respondents No.1 and 2.

Mr. P.S. Bajwa, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

By this petition the petitioner (since deceased) has challenged the action of the respondents in not granting him Professor's Grade of Rs.4500-7300 w.e.f. 01.01.1986 alongwith consequential reliefs (regular principal scale).

The petitioner was originally appointed as a Lecturer in the erstwhile State of Punjab on 11.01.1955 and on 08.11.1984 was working as such in the Govt. College Chandigarh. He sought voluntary retirement and on the very next date was appointed the Principal of respondent No.3-Dayal Singh College Trust, Karnal which is an aided college. On 14.07.1988 the respondents No.1 and 2 issued instructions (Annexure P-2) granting the Professor's Grade of Rs.4500-7300 to Principals of Govt. and non-Govt.

Colleges subject to the condition that they had put in total service of 25 years with some other minor conditions. The benefit of these instructions (Annexure P-2) was denied to the petitioner on the ground that having sought voluntary retirement his services had come to an end and his appointment as Principal in the respondent No.3 was a fresh appointment and therefore, he did not complete the condition of 25 years service.

Learned counsel for the petitioner has relied upon a judgment of this Court in ***Balbir Singh Rathee Vs. State of Haryana, 1994 (2) SLR 189*** wherein this Court was considering this very condition and held that this condition was ex-facie arbitrary and violated Articles 14 and 16 of the Constitution of India. Learned counsel for the petitioner states that not only this judgment became final but was subsequently followed by other judgments of this Court.

Learned Additional Advocate General appearing on behalf of respondents No.1 and 2 and learned counsel appearing on behalf of respondent No.3 are not in a position to cite any contrary judgment.

In the circumstances, the petition is allowed.

The respondents are directed to grant the benefit of the said instructions to the LRs of the petitioner subject to the other terms of his appointment with the respondent No.3. It is stated that the petitioner has retired long since. Consequently the respondents are directed to work out the benefits payable to the LRs of the petitioner and release the same to them within a period of 3 months from the date of receipt of a certified copy of this order, failing which, they shall be entitled to claim the same with interest @ 12% p.a. from the date/s the amount/s fell due.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

03.02.2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No