

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

**I.**

**C.W.P. No.4797 of 2006 (O&M)**

Sanjiv Kumar Chauhan and others

... Petitioners

Versus

Maharishi Dayanand University, Rohtak and another

... Respondents

**II.**

**C.W.P. No.5168 of 2006 (O&M)**

Tej Singh and others

... Petitioners

Versus

Maharishi Dayanand University, Rohtak and another

... Respondents

**III.**

**C.W.P. No.9412 of 2006 (O&M)**

Dr.G.S.Chauhan and others

... Petitioners

Versus

Maharishi Dayanand University, Rohtak and another

... Respondents

**Date of Decision : 27.07.2017**

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Sandeep Kotla, Advocate,  
for the petitioners.

Mr. Anurag Goyal, Advocate,  
for the respondents.

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**MAHESH GROVER, J. (Oral)**

This order shall dispose of the aforesaid three writ petitions as common questions of law and fact are involved therein. The facts are taken from CWP No.4797 of 2006 for convenience.

The present writ petition has been filed with the following prayer : -

- i) records of the case may be called for ;
- ii) filing of the certified copies of the Annexures may kindly be dispensed with;
- iii) services of advance notices upon the respondents be dispensed with ;
- iv) a writ in the nature of certiorari be issued to quash the conditions imposed in the appointment letters by which the appointment of the petitioners have been fixed for a fixed period or till theory classes are over and further directions be issued to allow the petitioners to continue till the course continue;
- v) a further writ in the nature of certiorari be issued to quash the action of the respondents to relieve the petitioners, to save the salary of off season/summer vacation;
- vi) a further writ in the nature of certiorari be issued to quash the action of the respondents to re-advertise the posts on contract basis on which capacity the petitioners

are already continuing;

vii) a further writ in the nature of mandamus be issued to grant same salary and allowances which is being granted to the regular employees holding similar posts;

viii) a writ in the nature of mandamus be issued that the Lecturers already working on contract basis, they shall be allowed to continue and decision of the University that petitioners have to compete again for appointment on contract basis, may kindly be deprecated and further direction be issued that all existing Lecturers shall be governed by the new Self-Financing Scheme as if they were appointed under the same scheme;

ix) a further writ in the nature of certiorari be issued to quash the decision of the University that in all self financing colleges, the appointment shall only be made on contract basis and further direction be issued to make the appointment on regular basis;

x) this Hon'ble Court may also pass any order which this Hon'ble Court deems fit in the facts and circumstances of the case;

xi) cost of the petition be awarded to the petitioners;

It is further prayed that during the pendency of the writ petition, status quo regarding services of the petitioners be maintained in the interest of justice.”

Subsequently, another application being CRM-4596-2016 was moved with the prayer which we would also deem appropriate to extract hereinbelow : -

- “a) to direct the respondents to extend the benefits of New/Amended SFS Rules to the applicant/petitioner in the similar manner as has been extended to their other 19 junior counterparts with all consequential benefits in terms of the statement/undertaking tendered vide judgment and final order dated 10.01.2014 within a stipulated period of time;
- b) pass any other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

On a prior occasion, the writ petitions have been disposed of on a statement made by the counsel for the University permitting the writ petitioners to continue in service as contractual employees under new Self Financing Scheme. For the purpose of reference, order is extracted hereinbelow : -

“Present : Mr. Ramandeep, Advocate, for the petitioners  
Mr. Anurag Goyal, Advocate, for the respondent.

On instructions, counsel for the respondent-University submits that Mohd. Mashhood Alam, petitioner No.2 has already resigned from service. So far as petitioner No.1, 4 and 5 are concerned, they are also not in

service. He further submits that Kailash Kumar, petitioner No.3 is working on contract basis. He also submits that so long as services of contractual employees are needed under New Self Financing Scheme, petitioner No.3 shall continue in service.

In view of the said fact, this Civil Writ Petition becomes infructuous.

Disposed of accordingly.

Sd/-  
(JASBIR SINGH)  
JUDGE

10.01.2014  
Sd/-  
(HARINDER SINGH SIDHU)  
JUDGE”

The matter was then taken to the Hon'ble Supreme Court with a prayer that their substantive issues have not been decided, at all, whereupon, the case was remanded back for a fresh decision. For the purpose of reference, operative part of order of the Hon'ble Supreme Court is extracted hereinbelow : -

“..... Learned counsel for the parties state that there has been no adjudication on the prayer of the appellants for parity in service conditions. That being so, we set-aside the impugned order and remand the matter to the High Court for fresh consideration in accordance with law. It is

made clear that we have not expressed any opinion on the merits of the case.

The parties are directed to appear before the High Court on 6<sup>th</sup> February, 2017.”

We have heard the learned counsel for the parties and during the hearing, Registrar of the University assured this Court on 26.7.2017 that the cases of the writ petitioners would be considered appropriately which have now been done by the Executive Council by passing the following resolution : -

**“RESOLUTION**

RESOLVED that all the benefits be extended to the petitioners in the case of CWP No.9412 of 2006 G.S.Chauhan and others vs. MDU and CWP No.4797 of 2006 Sanjeev Kumar Vs. MDU on the parity of benefits extended to the similarly situated teachers w.e.f. 17.3.2008 i.e. the date of implementation of the new Self Financing Scheme which was approved vide EC Reso. No.14 dated 17.3.2008 and Reso. No.1 dated 10.5.2008. However, further consequential benefits viz-a-viz promotion under CAS Rules etc. etc., they are required to fulfill all the laid down conditions under CAS circulated by UGC/Govt. of Haryana/University and implemented by this University.

FURTHER RESOLVED that other similarly situated cases be extended the benefit to avoid further litigation in the manner as resolved above.

The Executive Council also considered the cases of Dr. Jagbir Narwal and Dr. Rajesh Kundu, who are serving as Guest Faculty in the Department of Public Administration since 2003 and RESOLVED that their services be regularized with immediate effect on similar analogy to avoid unnecessary litigation.

The meeting ended with a vote of thanks to the Chair.”

In view of the above, we are of the opinion that the substantive relief of service along with benefits as prayed for by the petitioners have been granted to them rendering the instant petition along with connected ones infructuous which are disposed of accordingly but with a further direction that the Registrar of the University shall remain bound by his assurance given to this Court on 26.7.2017 of making the consequential benefits admissible to the writ petitioners within a period of one week.

**(MAHESH GROVER)**  
**JUDGE**

**(RAJ SHEKHAR ATTRI)**  
**JUDGE**

**July 27, 2017**

Paritosh Kumar

|                            |        |
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| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |