

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

**CWP No.1154 of 2017 (O&M)
Date of decision : March 08, 2017**

Naresh Kumar Sharma

..... Petitioner

Versus

Maharishi Daya Nand University and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep K. Sharma, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

The petitioner, who retired as S.D.E. from Maharishi Dayanand University, Rohtak, seeks quashing the reply dated 12.10.2015 (Annexure P-22), vide which the University refused the request of the petitioner to grant pay band 4 (₹37,400-67,000/-) + ₹8,700/- Grade Pay on completion of 17 years of regular satisfactory service, in terms of the Notification of the Government of Haryana, Finance Department, letter No.1/79/2009-3(PR)(FD) dated 19.08.2009 (Annexure P-7).

It comes out that the ACP rules were notified by the Government, vide Notification dated 30.12.2008, called as Haryana Civil Services (Revised Pay) Rules 2008 (Annexure P-6A). The University being the autonomous body adopted these Rules. Subsequently, the Government came up with another set of Instructions dated 19.08.2009 (Annexure P-7), for improving the structure of pay of Engineering Services in three wings of PWD. A perusal of said Notification/Instructions shows that it confines to the posts in three wings of PWD i.e. PWD (B&R), Irrigation and Public

Health Department, whereby further scale was allowed to the AEs/SDEs, AEEs, XENs and SEs in aforesaid three wings of PWD after completing 11 and 17 years of regular satisfactory service. These instructions were never adopted by the University.

The petitioner retired from service on 30.04.2011 and sought the benefits of said Notification/Instructions dated 19.08.2009 (Annexure P-7), which were declined by the University vide Annexure P-22, stating that the said instructions are not applicable to the JE/SDE/XEN working in the Construction Branch of the University.

Heard.

I am of the view that the University is an autonomous body. It is not necessary for it to adopt all the instructions issued by the Government from time to time. If the original pay Rules were adopted by the University, it is not required that the Notification/Instructions dated 19.08.2009 (Annexure P-7), which are meant for only three wings in PWD are also to be adopted by the University. Since, these instructions were not adopted by the University, therefore, it could not release the revised pay scale to the petitioner on completion of 17 years of regular satisfactory service. This Court cannot direct the University to adopt the aforesaid instructions dated 19.08.2009 (Annexure P-7). It is for the University to take a decision whether it wants to adopt these instructions for its employees or not. Therefore, there is no illegality or infirmity in the impugned reply dated 12.10.2015 (Annexure P-22), denying the benefits of ACP on completion of 17 years of regular service to the petitioner, in terms of the Notification/Instructions dated 19.08.2009 (Annexure P-7).

Learned counsel for the petitioner has stated that the petitioner has made representation to the University to adopt the aforesaid instructions. If it is so, let the petitioner pursue his remedy before the University.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

March 08, 2017
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	Yes