

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.13914 of 2017(O&M)
Date of Decision: 06.09.2017

Gagandeep Singh

--Petitioner

Versus

Sri Guru Grant Sahib World
University & another

--Respondents

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

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

C.M. No.12524 of 2017

Application is allowed as prayed for.

Copy of the minutes/proceedings of the Syndicate Meeting of Sri Guru Grant Sahib World University held on 26.5.2017 (Annexure P-10), show cause notice dated 11.7.2017 (Annexure P-11), reply to the show cause notice dated 24.7.2017 (Annexure P-12) as also documents at Annexure P-13 (colly) are taken on record.

Main Case

Pleadings on record would indicate that petitioner was engaged on the post of Project/Site Engineer by the respondent university on 1.3.2011. He was placed under probation and was granted a consolidated salary.

Admittedly, no order has been passed till date confirming the petitioner on the post of Project/Site Engineer.

Prayer raised in the instant petition is three fold. (i) Petitioner seeks a direction to the respondent university to regularize him in service.

(ii) Petitioner claims that certain emoluments/step-up in the monthly

emoluments were due in the light of appointment letter dated 1.3.2011 at Annexure P-1 and which have not been released. (iii) Petitioner was placed under suspension on 23.7.2014 and reinstated on 22.10.2014. Claim is that subsistence allowance for such suspension period has not been released.

Counsel for the petitioner has been heard at length.

In so far as the claim of the petitioner seeking regularization in service, the same cannot be gone into at this stage. Such view is being taken for the reason that in the proceedings of the Syndicate in the meeting held on 26.5.2017 and under Issue No.14 a decision has already been taken that for the present there is no construction work and no project being undertaken in the university and as such, the services of the Project Engineer are not required. A decision has already been taken that there is no necessity for the post of S.D.O (Civil) in the university.

At Annexure P-11 is a show cause notice dated 11.7.2017 served upon the petitioner contemplating that his services be dispensed with in the light of the Syndicate decision taken on 26.5.2017 (Annexure P-10). The admitted position of fact is that the petitioner has responded to the show cause notice and has filed reply dated 24.7.2017 (Annexure P-12). A final decision in such regard is yet to be taken. Under such circumstances this Court does not consider it appropriate to examine claim of the petitioner as regards regularization in service.

In so far as claims noticed at (ii) and (iii) herein above, liberty is granted to the petitioner to approach the respondent university. In the eventuality of a claim being raised for release of emoluments in terms of the appointment letter and for release of subsistence allowance for the period of suspension, the appropriate authority under the respondent university would

be obligated to consider the same in accordance with law.

Writ petition is, accordingly, disposed of.

It is clarified that this Court has not examined the claims of the petitioner on merit.

(TEJINDER SINGH DHINDSA)
JUDGE

06.09.2017

lucky

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