

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 1647 of 2017 (O/M)
Date of decision : 1.2.2017

Dr. Devender Singh Petitioner (s)
Versus
State of Haryana and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vishal Khatri, 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 ?

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KULDIP SINGH J. (ORAL)

The petitioner, who is working as a Director Principal of Chaudhary Devi Lal State Institute of Engineering and Technology, Panniwala Mota, District Sirsa, claims that he should be allowed Rs. 5,000/- per month as special allowance on the pattern of All India Council for Technical Education (in short 'the AICTE') with effect from 4.1.2016. He claims that vide notification dated 3.12.2010 (Annexure-P-2), issued by Government of Haryana, the special allowance of Rs. 3,000/- was allowed, whereas as per notification dated 4.1.2016 (Annexure-P-3), issued by the AICTE, the special allowance of Rs. 5,000/- was allowed.

The learned counsel for the petitioner claims that previously, the petitioner had approached this Court by way of filing CWP-16530-2016, which was disposed of by a Coordinate Bench of this Court on 16.8.2016 (Annexure-P-7) with a direction to respondent No. 1 to consider the claim of the petitioner and take a final decision on his representation dated 8.7.2016. Now, a final order dated 19.12.2016 (Annexure-P-8) has been passed whereby the claim of the petitioner has been declined.

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The perusal of notification dated 4.1.2016 (Annexure-P-3), issued by the AICTE, shows that the All India Council for Technical Education has made certain recommendations. In the impugned order dated 19.12.2016 (Annexure-P-8), the State has taken the view that these are mere recommendations and have been adopted by the State. Unless or until, these recommendations are adopted by the State, the employees cannot claim the benefit of the same. There are no rules that the recommendations of the said council are automatically binding on the Government and the Government can either accept it or reject the same. Therefore, there is no illegality or infirmity in the impugned order dated 19.12.2016 (Annexure-P-8), declining the special allowance, to be raised from Rs. 3,000/- per month to Rs. 5,000/- per month. Hence, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

1.2.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No