

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP-18031-2017(O&M)

Date of decision : 18.12.2017

Dr.Shallu

... Petitioner

Versus

Kurukshetra University and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Aman Pal, Advocate
for the petitioner.

AMOL RATTAN SINGH, J.(ORAL)

CM-18174-CWP-2017

Pursuant to the order dated 07.11.2017, this application has been filed seeking to place on record the relevant part of the Career Advancement Scheme Regulations.

The application is allowed subject to just exceptions and the abridged copy of the aforesaid Regulations, starting from Regulation 9.0 to Regulation 11.2, is taken on record.

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Mr.Aman Pal points to Regulation 10.6 falling under the head of 'Stages of Promotion under Career Advancement Scheme of incumbent and newly appointed Assistant Professors/ Associate Professors/ Professors', wherein it is stipulated that Assistant Professors who have completed five years of service in the second grade (stage 2) would be eligible to “move up to next higher grade (stage 3)”, subject to meeting the API based PBAS requirements laid down in the said regulations.

Learned counsel thereafter points to the impugned communication Annexure P-5, which simply rejects the petitioners' claim for upgradation to stage 3, on the ground that the Vice Chancellor had not approved it, it not being covered under the "University rules".

As to what rules the petitioner is not covered by, or as to what part of the terms and conditions of the Career Advancement Scheme do not apply to the petitioner, is not given anywhere in the impugned communication.

The contention of learned counsel is that as per The Leave Regulations, 1963, of the Kurukshetra University, Regulation 12 (ii) stipulates that extra ordinary leave shall always be without pay and allowances and shall not count for grant of increment, except in four specific cases, one of them being leave allowed on the basis of a medical certificate.

Mr. Aman Pal further submits that the petitioner having been on leave on medical grounds for 3 years, with a medical certificate duly submitted, she is entitled to increments even during the period of extra ordinary leave and therefore she also qualifies for upgradation from stage 2 to stage 3, even in terms of the regulation 10.6 aforesaid.

This petition is consequently disposed of with a direction to the competent authority amongst the respondents to pass a detailed speaking order taking into account the aforesaid contention raised by learned counsel in this petition, and detailing in such order as to why still, despite the period of extra ordinary leave counting for annual increments, with at least seemingly no bar even in the career advancement scheme, for redesignation /upgradation from stage 2 to stage 3, the petitioner is not

entitled to the said relief.

The order be passed within a period of 3 months from the date of receipt of a certified copy of this order.

(AMOL RATTAN SINGH)
JUDGE

December 18, 2017.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No