

CWP no. 2509 of 2017 (O&M) 1

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

CWP no. 2509 of 2017 (O&M)

Date of Decision : 03.05.2018

Dr. Sanjeev Kumar

....Petitioner(s)

Versus

Chandigarh Administration through Secretary Education U.T., Chandigarh
and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT**

Present : Mr. S.S.Pathania, Advocate for the petitioner(s)

Mr. J.S.Toor, Advocate for respondent nos. 1 to 3

Mr. Suvir Sidhu, Advocate for respondent no.4

MAHESH GROVER, J.(ORAL)

This petition is directed against the order of the Tribunal dated 10.5.2016. The petitioner had worked with Sohal Lal DAV College of Education, Ambala City from 14.1.1997 to 23.12.2002. After facing selection process by the UPSC, he joins the services of Government College of Education, Sector 20, Chandigarh.

The solitary grievance of the petitioner is that his previous service should have been counted for the purposes of Career Advancement. The petitioner is a doctorate Ph.D holder and the only reason to deny him the benefit of the previous service is that his services were not rendered in a Government College.

Learned counsel for the petitioner refers to Rule 8 which we

may extract herebelow, to contend that such a distinction made by the respondents to deny the benefit would be un-sustainable in law considering the clear and un-ambiguous language employed in the rules which states that the previous service without any break as a Lecturer or equivalent in University, College, national laboratory or other scientific organisation shall be counted for placement of a Lecturer in a senior scale/ selection grade provided that the post is in an equivalent grade/scale of pay as a post of Lecturer and the qualifications for the post were not lower than the qualifications prescribed by the UGC for the post of Lecturer.

“8.00 COUNTING OF PAST SERVICE

Previous service, without any break as a Lecturer or equivalent, in a University, College, National Laboratory or other Scientific Organization eg CSIR, ICAR, DRDO, UGC, ICSSR, ICHR and as as UGC Research Scientist, should be counted for placement of Lecturer in Senior Scale/Selection Grade provided that:-

8.1.0 The post in an equivalent grade/scale of pay as a post of Lecturer.

8.2.0 The qualifications for the post were not lower than the qualifications prescribed by UGC for the post of Lecturer.”

Learned counsel for the petitioner would contend that merely because the college was a private college but an aided one would make no difference to his claim for counting of his previous service and the reasoning adopted by the respondents to deny him the benefit cannot be sustained in law. He further draws our attention to the notification issued by the Union

on UGC pattern where counting of previous service is permissible. A clear mandate has been given that no distinction ought to be made with reference to the nature of management of the institution where previous service was rendered. For the purposes of reference clause 2 of the notification is extracted herebelow:-

“2. No distinction should be made with reference to the nature of management of the institution where previous service was rendered (private/local body/Government), if the above criteria are satisfied.”

From the above it is evident that the petitioner's claim is well founded as no distinction can be drawn to deny a benefit of career upgradation to the petitioner by stating that the service is not from a Government college as the provision of rules extracted above would clearly prohibit such a course. Hence, instant petition stands allowed and the petitioner is held entitled to the benefit of career advancement in pursuance thereto.

(Mahesh Grover)
Judge

03.05.2018

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Rajbir Sehrawat)
Judge