

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

Cross-Objection No.1-LPA of 2018 in/and
LPA No.861 of 2017(O&M)
DATE OF DECISION:04.12.2018

Dr. Kanwarjit Singh

...Appellant

Vs.

State of Punjab & others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. Sanjay Majethia, Senior Advocate with
Mr. Inderjeet Singh, Advocate
for the appellant.

Mr. H. S. Sitta, Assistant AG, Punjab.

Mr. Kanwaljit Singh, Senior Advocate with
Ms. Payal, Advocate
for respondent No.4-cross objector.

MAHESH GROVER, J. (Oral)

LPA No.861 of 2017

The limited grievance raised against the order of learned
Single Judge is that the writ petition contained several claims set out in the
prayer to us read as under:-

Issue an appropriate writ, Order or Direction;
especially, a writ in the nature of mandamus directing the
respondents to grant arrears of salary and allowances of the
post of Principal of Gurmat College, Patiala, in the scale of

**Cross-Objection No.1-LPA of 2018 in/and
LPA No.861 of 2017**

:2:

pay of Rs.37400-67000+AGP 10000, along with interest, to the petitioner, as the petitioner was selected and appointed Principal (Regular) against the vacant post under 95% Deficit Grant-in-Aid Scheme of the Punjab Govt., and has been working and discharging the duties of the post in an officiating capacity with effect from 05.06.2009, and also ordered to be paid arrears of pay for having earlier officiated as such from 23.01.2006 to 14.10.2007, as also half the salary of that of Assistant Professor (Lecturer) in addition to that of Principal, as per University Rules, besides difference of sumptuary allowance with effect from 01.06.2012 along with interest @ 15% per annum; and also for issuance of appropriate writ or order directing the respondents to confirm the services of the petitioner on the post of Principal of the said College.

The learned Single Judge has granted the appellant relief qua the pay for the period he officiated as the principal by limiting it to 38 months considering that the writ petition was filed somewhat belatedly.

Learned counsel for the appellant contends that the other prayers were not considered by the learned Single Judge. If that be so it will be appropriate for the appellant to approach the learned Single Judge in appropriate proceedings. We do notice that this aspect of the matter has not been dealt with by the learned Single Judge in the impugned order. Consequently, we dispose of the appeal with the liberty to the appellant to approach the learned Single Judge in appropriate proceedings in which case the delay be not construed against him.

Disposed of.

Cross-Objection No.1-LPA of 2018

**Cross-Objection No.1-LPA of 2018 in/and
LPA No.861 of 2017**

:3:

In these objections learned counsel for the appellant contends that the learned Single Judge has gone wrong in granting the benefit of higher pay to the respondent while working in the officiating capacity of a Principal, he says that the judgment in case *P Grover Vs. State of Haryana reported in 1983 AIR(SC) 1060* as also *State of Haryana Vs. R. K. Aggarwal reported in 1997 (4) RSJ 49* would not be attracted to this aspect of the case. During the course of arguments learned counsel for the objector has contended that since the petitioner was clearly ineligible, he would not be entitled to any benefit of the period he officiated as a principal. We are of the opinion that this contention needs to be repelled for the simple reason that if a person has been made to discharge higher functions and duties, there would be no reason to deprive him of the benefits of the higher pay of the post.

The next argument raised by learned counsel for the appellant is that while disposing of the writ petition the learned Single Judge ought to have specified or mandated the State to discharge its financial liability considering the post as an aided one.

After hearing the learned counsel for the appellant in this regard we are of the opinion that on this limited aspect, the objector may approach the learned Single Judge but as far as the primary liability of admitting the respondent-appellant to the higher pays on account of discharging additional duties as an officiating Principal is concerned, no

Cross-Objection No.1-LPA of 2018 in/and :4:
LPA No.861 of 2017

interference is made out.

Disposed of in above terms.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

04.12.2018
rimpal

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