

CWP-11189-1993

Date of decision: 22.08.2019

DR. INDERJEET KAUR DHILLON

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ARUN MONGAPresent: Mr. D.D. Sharma, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Salil Sabhlok, Advocate
for respondent No.5

ARUN MONGA, J. (ORAL)

An advertisement dated 02.02.1979 (Annexure P-8) was published by Kurukshetra University inviting applications from the College Teachers/ Lecturers to work towards awarding of M.Phil/ PHD Degree during their academic session 1979-80. The petitioner applied qua the same under UGC Scheme prevalent at the relevant time which entitled working Lecturers to go for fellowship while at the same time their salary / emoluments were to be protected by their employers i.e. respondent No.4 herein. Pursuant thereto in his application form contained at Annexure P-11, his employer gave following undertaking:-

"The college/ University hereby undertakes to protect the total emoluments of the teacher (mentioned the name of the teacher (Mrs. Inderjeet

Kaur Dhillon) for the period of higher leave and also to give him/her the necessary incumments and when due, it further undertake to take back the teacher to his/her substantive post without effecting his/her seniority and other benefit enjoyed previously".

Notwithstanding the above undertaking, the petitioner has not paid his salary for the period from 01.08.1980 to 15.07.1983.

2. Learned counsel for the petitioner points out that the petitioner was successfully awarded the degree of PHD in the year 1983 after having done his fellowship from 1980 to 1983.

3. Learned counsel appearing for respondent Nos.1 and 2 points out that vide letter dated 28.08.1987 (Annexure R-1) the State Government had issued instructions to the Director of Public Instructions (Colleges) stating that the government would not exceed to the proposal of grant of 95% contribution of the salary/emoluments to those Lecturers who proceed on leave under the UGC Teacher Fellowships Scheme. It was further stated in the said letter that those Lecturers who go for the UGC fellowship would go for the same at their own interest and accordingly the petitioner is not entitled to seek any salary/emoluments for the period as claimed by him.

4. I am afraid that the said contention of the learned counsel for respondent Nos.1 & 2 at first flash may seem attractive but on a deeper perusal it becomes insipid, in view of the fact that said instructions are of 1987. Whereas, the petitioner was successfully awarded his PHD way back in the year 1983.

5. In the aforesaid premise, the present writ petition is allowed and the respondents are directed to pay the arrears of the salary to the petitioner after

their liability as per the grant-in-aid Scheme.

6. Let the needful be done within a period of three months on the date of the receipt.

22.08.2019
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(ARUN MONGA)
JUDGE

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