

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

CWP-18969-2016 (O&M)  
Date of decision : 29.04.2019

Rajni Garg and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mohd Yousaf, Advocate,  
for the petitioners.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

**JITENDRA CHAUHAN, J.**

The petitioners, *inter alia*, seek enhanced salary/honorarium of ₹10,000/- per month with annual increase @ 10% with all consequential benefits in terms of notification dated 15.12.2011 (Annexure P-6), issued by the Department of Finance, Government of Punjab.

It is submitted that the petitioners were appointed as lecturers in different subjects as part time/guest faculty after due and proper selection process. After their selection, the petitioners have been performing their duties to the satisfaction of the authority. They have also been performing extra-curricular duties viz. paper checking, examination duties and celebration of events, etc. Therefore, the petitioners have practically been full-time employees of the College in which they are working and have not been gainfully employed anywhere else in any manner. However, the

petitioners are facing threat of termination under the guise that the petitioners are being treated as part time/guest faculty and are likely to be replaced by another set of temporary employees against the dictum of law laid down by Hon'ble the Supreme Court in Civil Appeal No.8745 of 2003 titled as ***Hargurpartap Singh and others Vs. State of Punjab and others***, decided on 07.11.2003 (Annexure P-1), without there being selection of regular incumbents. It is further submitted that the respondents have employed ad hoc/part time/contractual lecturers who are being paid about ₹5,000/- per month. The State of Punjab vide its notification dated 15.12.2011 (Annexure P-6) had enhanced the salaries of Guest Faculty Lecturers to ₹10,000/- per month w.e.f. 01.12.2011. Despite the fact that the case of the petitioners is covered under the notification (Annexure P-6), they are not being paid salary to the tune of ₹10,000/- per month.

On the other hand, learned State counsel submits that the petitioners were engaged as Guest Faculty Lecturers under the self-financing scheme which is governed by the respective Colleges' Parent Teacher Association. The petitioners are working under self-finance scheme 10+1 and 10+2 only and not against sanctioned post. Therefore, the claim raised by the petitioners is not admissible.

Heard.

As per record, the petitioners were engaged under the "Self Finance 10+1 and 10+2 Scheme". It has come on record that during the academic session 2017-18, no student turned up for admission to 10+1 class, so the petitioners had been teaching 10+2 class alone. For Session 2018-19,

no student turned up for admission to 10+1 and 10+2 Classes, therefore, the college discontinued the Scheme w.e.f. 30.04.2018. The petitioners were engaged to teach under the Scheme only at a fixed salary and not against any post sanctioned by the government. Once the scheme itself has been discontinued, the petitioners cannot claim continuance on the posts under the said scheme.

In view of the above, this Court does not find any merit in the instant writ petition and the same is, hereby, dismissed.

**29.04.2019***atulsethi***(JITENDRA CHAUHAN)  
JUDGE**

|                               |     |    |
|-------------------------------|-----|----|
| Whether speaking / reasoned : | Yes | No |
| Whether Reportable :          | Yes | No |