

CWP-23365-2016

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

CWP-23365-2016

Date of decision : 11.03.2019

**Prof.Lakhwinder Singh**

**...Petitioner**

**Versus**

**Guru Nanak Dev University and others**

**...Respondents**

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

Present: Mr. Raman Sharma, Advocate for the petitioner.

Ms. Maloo Chahal, DAG, Punjab.

Mr. Sanjeev Sharma, Sr. Advocate with  
Mr. Amrit Paul and Ms. Aarushi Jain, Advocates  
for respondent No.3.

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**JITENDRA CHAUHAN J. (ORAL)**

By way of filing the instant writ petition, the petitioner, *inter alia*, has sought to declare as illegal, the extension granted to respondent No.3 as Vice Chancellor of Guru Nanak Dev University (GNDU), Amritsar, beyond the maximum serving age of 65 years.

It is contended that the petitioner being a Professor in Commerce in the GNDU and President of the GNDU Teachers' Association, is representing the entire faculty of the University. Respondent No.3 was appointed as Vice Chancellor of GNDU for a period of three years under the orders of Chancellor of the University vide notification dated 02.07.2009. At the time of his appointment, respondent No.3 was working as Professor

with Indian Institute of Technology (IIT), Delhi and was on deputation with Lucknow University as Vice Chancellor. He was granted extension twice vide notifications dated 02.04.2012 and 09.06.2015 (Annexure P-1 colly.). During this period, respondent No.3 superannuated at the age of 65 years w.e.f. 31.01.2012. Pursuant to his appointment vide notification dated 01.07.2009 (Annexure P-1 colly.) for three years, his term came to an end on 01.07.2012, when he had already crossed the age of 65 years i.e. the maximum age upto which a teacher can serve against a public post. It is further submitted that the pay of the Vice Chancellor was fixed at ₹75,000/- plus Special Allowance of ₹5,000/- and DA/ADA as per Punjab Government Rules whereas other perks as per GNDU Rules which is in accordance with UGC Notification dated 08.06.2010 (Annexure P-2). In the meantime, respondent No.3 having retired from regular service as Professor with IIT Delhi w.e.f. 31.01.2012, started getting basic pension at the rate of ₹39,230/- w.e.f. 01.02.2012. Thus, respondent No.3 wrongfully and illegally continued getting both the full pay as Vice Chancellor as also pension from IIT Delhi. It is contended that any case not coming within the purview of Statutes may be decided in accordance with the Rules applicable to the employees of the State of Punjab. The case of respondent No.3 deserved to be dealt with in accordance with Rule 7.18 of the Punjab Civil Services Rules, Volume II. Cites *M.S. Chawla & ors. Vs. State of Punjab & anr., 2005(3), SCC 420 (SC)*.

On the other hand, learned counsel for the respondents submit that the petitioner has claimed himself to be the representative of the entire

faculty, whereas, there is no authorization in favour of the petitioner on record to prove his assertion and as no personal grouse against respondent No.3 has been raised, the present petition deserved to be dismissed on this score alone. Respondent No.3 superannuated from IIT Delhi on 30.01.2012 and he obtained permission of Chancellor to avail leave without pay to complete procedural formalities and was further allowed to join back his parent institute for one day.

Heard.

It is to be noticed that the appointment of Vice Chancellor, GNDU, is governed by Section 10 of the Guru Nanak Dev University Act (for short, the Act), which reads thus:-

***“Appointment, powers, duties and conditions of service of Vice-Chancellor***

*10. (1) The Vice-Chancellor shall be appointed by the Chancellor on the advice of the State Government.*

*(2) The Vice-Chancellor shall hold office for a term of three years which may be extended by the Chancellor on similar advice, for such further periods not exceeding three years at a time as he may deem fit.*

*(3) The Chancellor shall determine the amount of remuneration and other conditions of service of the Vice-Chancellor:*

*Provided that such terms and conditions shall not be altered to the disadvantage of the Vice-Chancellor during his term of office.*

*\*(4) In the event of the occurrence of any vacancy in the office of the Vice-Chancellor by reason of his death, resignation, expiration of his term or otherwise, the*

*Chancellor may appoint any person to act as the Vice-Chancellor for a period of not exceeding one year or until a new Vice-Chancellor appointed under sub-section (1) enters upon his office, whichever is earlier.*

*(4-A) The Chancellor shall determine the amount of remuneration or allowances and other conditions of service of the person appointed under subsection (4)].*

*(5) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general control over its affairs in accordance with the Statutes, Ordinances and Regulations and give effect to the decisions of the authorities of the University. He shall be ex-officio Chairman of the Senate, the Syndicate, the Academic Council and the Finance Committee and shall, in the absence of the Chancellor, preside at any convocation of the University. He shall be entitled to be present at and address any meeting of any authority or other body of the University.*

*(6) The Vice-Chancellor shall have the power of convening meetings of the Senate, the Syndicate and Academic Council. He may delegate this power to any other officer of the University.*

*(7) It shall be the duty of the Vice-Chancellor to ensure that the Act, Statutes, Ordinances and Regulations are faithfully observed and he shall have all power necessary for this purpose.*

*(8) If, in the opinion of the Vice-Chancellor an emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for confirmation at the next meeting to the authority which, in the ordinary course, would have dealt with the matter:*

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*Amendment to Rule (4) \* Ins. by the Guru Nanak Dev University, Amritsar (Amendment) Act, 1985.*  
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*Provided that if the action taken by the Vice-Chancellor is not approved by the authority concerned, he may refer the matter to the Chancellor whose decision thereon shall be final.*

*Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer within thirty days from the date on which he receives notice of such action, an appeal to the Chancellor.*

*(9) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.*

A perusal of the above provisions, especially, Sub Sections 2 and 3 make it amply clear that the term of the Vice-Chancellor shall be initially for a period of three years which may be extended for further such periods not exceeding three years at a time and the Chancellor shall determine the amount of remuneration and other conditions of service of the Vice-Chancellor. Therefore, the contentions of the petitioner with regard to tenure and remuneration of respondent No.3 are misconceived. The Act nowhere provides the upper age limit for the post of Vice-Chancellor. During the course of his tenure as Vice-Chancellor of GNDU, respondent No.3 sought and was granted one day's extraordinary leave without pay on 30.01.2012 to complete procedural formalities as he had superannuated from his parent Institute i.e. IIT, Delhi. As far as the argument with regard to

drawing of full remuneration as well as pension by respondent No.3 is concerned, a perusal of reply filed on behalf of respondent No.3 reveals that earlier also, Shri Bishan Singh Samundari, Dr. Karam Singh and Prof. S.P. Singh, during their respective tenures as Vice-Chancellor of GNDU, received full pension in addition to the remuneration as Vice-Chancellor. No replication has been filed by the petitioner in this regard.

In view of the above, this Court does not find any illegality or perversity committed either by the University or respondent No.3 in the matter of latter's appointment, extensions and the remuneration drawn. Furthermore, the petitioner has not been able to explain his locus as neither there is any material in support of his specific assertion with regard to being representative of the entire faculty of the GNDU nor any personal grouse has been alleged against respondent No.3. Thus, this Court has not hesitation to hold that the instant petition is ill-conceived and is accordingly, dismissed with costs of ₹50,000/-, to be deposited with Punjab and Haryana High Court Bar Association Advocates' Welfare Fund, within a period of two months from the date of receipt of certified copy of this judgment.

**11.03.2019***atulsethi***(JITENDRA CHAUHAN)  
JUDGE**

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