

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

CWP No.26838 of 2017 (O&M)

Date of Decision.03.10.2019

Dr. Om Parkash Ahuja

...Petitioner

Vs

State of Haryana and others

...Respondents

Present: Mr. Dinesh Kumar, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Grievance of the petitioner in the present case is short and simple, as the claim is with regard to grant of next pay scale after having been rendered five (5) years of service as Deputy Registrar.

Mr. Dinesh Kumar, learned counsel appearing on behalf of the petitioner submits that as per the notification of the Ministry of Human Resource Development, Department of Higher Education informed the Secretary, University Grants Commission for revision of pay in the Universities/Colleges. Table 9, revised pay band plus grade pay of the Deputy Registrar would be ₹37,400-67,000+GP 8700/- instead of ₹12000-16500+400 S.P. In this regard, the University, vide communication dated 17.06.2011, requested the Government to consider aforementioned notification, however, vide impugned order dated 10.05.2016 (Annexure P-18), Government in a most cryptic and erroneous manner rejected the same without assigning any reason. Communication dated 31.05.2016 (Annexure P-19) was made but it has again been rejected in the same manner vide communication dated 21.11.2016 (Annexure P-20).

The State in pursuance of notice of motion filed written statement and taken a stand that granting of scales to employees is prerogative of the State Government and distinction can be made on the basis of reasonable classification, as the Finance Department owing to the financial implications has not agreed to the same,.

I have heard learned counsel for the parties and appraised the paper book. For the sake of brevity, the relevant portions of impugned orders Annexure P-18 and P-20 are extracted herein below:-

“P-18

“Kindly refer to your memo No.8385 dated 19.08.2015 on the subject cited above.

It is hereby informed that the Government does not agree to the proposal received vide above referred letter.

P-20

Kindly refer to your letter No.ET-4/16/5878 dated 31.5.16 and to this office Memo No.18/381-15UNP(2) dated 10-5-16 on the subject cited above.

It is to inform you that vide above referred letter dated 10-5-16 of this office, you have already been informed that the Govt. does not agree to grant PB-4 to the Deputy Registrar with five years service. Therefore, you are requested to stop undue correspondence on the present issue.”

The proposal of the University by taking into consideration the notification had given comprehensive reasons. It is expected from the State to give a pragmatic and reasonable answer with regard to applicability or non-applicability of the aforementioned notification and cannot reject the

same in a most atrocious and whimsical manner. The UGC guidelines are applicable to the employees of the University i.e. teaching and non-teaching staff, particularly, when in one of the writ petition bearing No.7180 of 2006, State Government had categorically taken following stand in the written statement:-

“6. That the pay scale prescribed for the posts of Assistant Registrar and the Deputy Registrar by the UGC along with qualifications need to be implemented in the State Universities. Since the UGC has prescribed the pay scales and qualifications for these posts the petitioner cannot claim the pay scale which are meant for under Secretary or Deputy Secretary of State Government. It may be mentioned here that the UGC had not prescribed the pay scales for these posts in the notification of 1987 whereas the same has been now prescribed by UGC and the State Government had issued a comprehensive notification No.1/1/91-Edu.(1) dated 08.12.2000 relevant extract enclosed (Annexure P-5). In view of the submissions made above once the UGC has prescribed the pay scales for all posts up to the level of Assistant Registrar/Deputy Registrar, the same have to be adopted and implemented in respect of all such posts in the State Universities.”

In such circumstances, the State Government cannot approbate and reprobate in the same line. I would not further comment on the reasons assigned, for, the impugned order sans reasons. Accordingly, the same is set aside and the matter is remitted to the Government to decide the same,

particularly in view of the stand taken in the written statement as extracted herein above.

Let this exercise be done within a period of three months from the date of receipt of certified copy of this order. In case no action is taken as directed by this Court, petitioners are at liberty approach this Court under Article 215 of the Constitution of India as to why proceedings of contempt or imposition of costs to be recovered from the particular official/officer, who is responsible for not taking decision be not initiated.

(AMIT RAWAL)
JUDGE

October 03, 2019

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No