

**Sr. No.203
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.19986 of 2009 (O&M)

Date of Decision: 24.10.2019

Dr. Jaspal Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. A.B.S.Sidhu, Advocate,
for the petitioner.

Mr. P.S.Bajwa, Additional A.G., Punjab.

Mr. K.S.Dadwal, Advocate,
for respondents No.4 and 5.

ARUN MONGA, J.(ORAL)

Inter alia, issuance of a writ in the nature of certiorari has been sought for quashing the order dated 19.07.2005 (Annexure P-4), passed by the DPI, whereby the pay scale of Rs.16400-22400/- in which the petitioner was appointed as Principal was modified to Rs.12000-18300/- with stage of 12840/-.

2. Having heard rival contentions of learned counsel and after perusal of the pleadings along with the record appended thereto, I am of the opinion that the petitioner was not entitled to the benefit of UGC regulations dated 22.06.1990 (Annexure P-11) as he concededly did not have 25 years of teaching experience either as a Lecturer or working as a Principal.

3. However, in view of Government of Punjab having adopted the UGC Instructions/pay scales as per Annexure P-6 as deposed before the Hon'ble Supreme Court of India in the affidavit

dated 20.04.2008 (Annexure P-9), the petitioner is entitled to be given the benefit of Professors' pay scale once he was appointed as Principal after 16 years of service.

4. Accordingly, the impugned order dated 19.07.2005 (Annexure P-14) is quashed.

5. Respondents are directed to place the petitioner in the Professors' pay scale as per Instructions dated 24.12.1998 (Annexure P-6) read with letter dated 22.09.1998 by MHRD/Government of India.

6. Let the needful be done within a period of two months from the date of receipt of a certified copy of this order.

7. Petitioner during pendency of the writ petition is stated to have retired on attaining the age of superannuation. However, retiral benefits have been withheld in view of the impugned recovery order dated 12.11.2009 (Annexure P-15).

8. After carrying out the necessary calculation/adjustment qua the excess amount paid, retiral benefits shall be disbursed to the petitioner within a period of 60 days thereafter.

(ARUN MONGA)
JUDGE

24.10.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No