

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP- 30196 of 2019
Date of decision: 18.10.2019

Dr. Virender Rihani

.... Petitioner

versus

Rayat Bahra University and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Jain, Advocate
for the petitioner

HARSIMRAN SINGH SETHI, J. .

In the present writ petition, the petitioner is claiming benefit of salary and other dues for the period, for which the petitioner worked with the respondent No.1/University. Counsel for the petitioner argues that there are certain dues pending towards petitioner to be paid by the respondent/University from June, 2016 onwards till August 2017 and the same are being withheld by the respondent/University without any valid justification. Counsel for the petitioner relies upon judgement of Hon'ble Supreme Court of India in Anandi Mukta Sadguru vs. V.R. Rudani and othes 1989 (2) SCC 691 to contend that deemed University will come under Article 12 of the Constitution of India , especially, in a case, where the claim is with regard to the release of the pending pensionary benefits or arrears of salary. Counsel for the petitioner argues that respondent/University is a statutory body and is amenable to writ jurisdiction of this Court.

Counsel for the petitioner states that for the relief, which is being claimed by the petitioner in the present writ petition, the petitioner has served the respondents with legal notice dated 07.08.2019 (Annexure P/21), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 07.08.2019 (Annexure P/21) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18.10.2019

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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |