

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

**CWP-40370-2018 (O&M)
Date of Decision:07.01.2019**

Kanchan Bala & others

... Petitioners

Versus

Guru Nanak Dev University, Amritsar & another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Verinder Pal Sharma, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

It has been averred that the petitioners herein had applied in pursuance to an advertisement dated 10.09.2013 (Annexure P-1) issued by Guru Nanak Dev University, Amritsar and after successfully negotiated a regular selection process, were issued appointment letters on the post of Junior Technician and Junior Engineer (Civil) respectively. The appointment letters were issued on 26.03.2015 and 23.04.2015. At that stage, the State Government had issued Revised Rules of Appointment i.e. on 15.01.2015 incorporating a condition that the staff appointed on probation would be allowed only fixed pay (equal to minimum pay band for the post) and that during pendency of probation, such staff shall not be paid any grade pay, annual increments or any other allowance. Subsequently, State of Punjab issued a Clarification vide letter dated 15.10.2015 (Annexure P-6) stating therein that in case the process of filling up of the posts i.e. issuance of advertisement, conduct of test or interview had been initiated prior to 15.01.2015 (Annexure P-5), such conditions would not apply.

The precise grievance raised in the petition is that even though the process of appointment of the petitioners had been initiated on 10.09.2013 i.e. the date of issuance of advertisement the benefit of clarification granted by the Stage of Punjab vide letter dated 15.10.2015 (Annexure P-6) has not been extended to them.

Counsel submits that the action of the employer under such circumstances would have to be construed as arbitrary and violative of Articles 14 and 16 of the Constitution of India. Reliance has also been placed upon a judgment of a Division Bench judgment of this Court in **CWP-8922-2017 titled as Gurwinder Singh & others Vs. State of Punjab & others** decided on 13.09.2018 (Annexure P-8).

Without going into the merits of the prayer made in the instant petition, this Court deems it appropriate to dispose of the writ petition in terms of granting liberty to the petitioners to file a comprehensive representation to respondent No.1 as regards their prayer/grievance. In the eventuality of any such representation being preferred, respondent No.1 i.e. the Registrar, Guru Nanak Dev University would be obligated to consider the same and to take a final decision thereupon in accordance with law within a period of 8 weeks from the date of submission of such representation.

Disposed of.

07.01.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |