

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10049 of 2020
Date of Decision: 20.07.2020

Jang Singh & Ors.

... Petitioners

VS.

Punjabi University & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Ashok Sharma Nabhewala, Advocate for the petitioners

Mr. Kanwaljit Singh, Sr.Advocate with
Mr. Ajaivir Singh, Advocate for the respondents

GIRISH AGNIHOTRI, J. (Oral)

(1) The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

(2) Notice of motion. Mr. Ajaivir Singh, Advocate accepts notice through video conferencing. In view of the nature of order which this Court proposes to pass, there is no necessity to call upon the respondents to file their reply, at this stage.

(3) The petitioners have jointly filed the present writ petition *inter alia*, seeking a direction to the respondents to pay arrears of DA raised from 80% to 90% for the period 01.07.2013 to 31.01.2014 and thereafter from 90% to 100% for the period from 01.01.2014 to 30.09.2014 along with increased arrears from 100% to 107% for the period from 01.07.2014 to 28.02.2015 along with interest. A further prayer is made for payment of arrears of Leave Travel Concession (LTC) along with interest and to continue to pay the said LTC in future.

(4) Learned counsel by making reference to the pleadings submits that the petitioners are retired employees of Punjabi University, Patiala.

under the Punjabi University Act, a special reference to Sections 15 & 16 has been made to say that if any amendment or repeal of the Statute is to be done, the same can be done by Syndicate with the approval of the Chancellor. It is urged that in the University, pension scheme was introduced on 01.04.1990. It is then in the year 2005, the University employees who are getting LTC on the pattern of Punjab Government, apprehended the withdrawal of the benefits by way of the amendment. However, the University arbitrarily stopped payment of LTC and resultantly, various writ petitions were filed.

(5) Learned counsel then submits that even the issue of release of enhanced Dearness Allowance had also come up for consideration before this Court in some of the writ petitions. In regard to both the above issues, reference can be made to (i) CWP No.2479 of 2016 (Sham Singh & Ors. vs. Punjabi University & Anr.) decided on 26.02.2019; (ii) CWP No.35193 of 2019 (Gurnam Singh & Ors. vs. Punjabi University & Anr.) decided on 03.12.2019; and (iii) CWP No.18465 of 2019 (Gurnam Singh & Ors. vs. Punjabi University & Anr.) decided on 10.07.2019 (P1 to P3, respectively).

(6) Learned counsel at this stage submits that for the same/similar grievance, the petitioners have got served a legal notice dated 19.03.2020 (P4).

(7) Having heard learned counsel for the parties, this Court deems it appropriate to dispose of the writ petition, without commenting upon the merits of the case, by directing the competent authority to consider and decide the petitioners' claim as raised in their legal notice (P4) as early as possible and preferably within three month from the date of receipt of certified copy of this order.

(8) It is made clear that in the event, on merits, the authorities find that in view of the judgments P1 to P3 (cited *supra*), the petitioners are actually found entitled for the said benefits, the same be allowed and released to them within one month thereafter.

(9) So ordered.

20.07.2020
Vvishal

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No