

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

CWP No.10013 of 2020

Date of Decision : 17.07.2020

Dr. Sudesh Kumar Mittal

...Petitioner

Versus

Rayat Bahra University and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Gupta, Advocate and
Mr. Puneet Jain, Advocate
for the petitioner.

Harsimran Singh Sethi, J. (Oral)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

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. Learned counsel for the petitioner argues that there are certain dues including salary pending towards petitioner to be paid by the respondent/University from May, 2018 onwards till November, 2019 and the same are being withheld by the respondent/University without any valid justification. Learned counsel for the petitioner relies upon judgement of Hon'ble Supreme Court of India in **Anandi Mukta Sadguru vs. V.R. Rudani and others 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. Learned counsel for the petitioner argues that respondent/University is a statutory body and is amenable to writ jurisdiction of this Court.

Learned 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 14.5.2020 (Annexure P/9), 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, respondent No.4 is directed to decide the legal notice dated 14.5.2020 (Annexure P/9) 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.

July 17, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No