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

CWP-16051-2020

Date of Decision: 01.10.2020

Dr. Parveen Kumar and others

Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lekh Raj Nandal, Advocate for the petitioners.

Mr. Pankaj Mulwani, Deputy Advocate General, Haryana

AVNEESH JHINGAN, J (Oral):

1. The petitioners working as guest faculty in Ch. Ranbir Singh State Institute of Engineering and Technology, Jhajjar have filed the writ petition with the grievance that respondents are dispensing with the services of the petitioners on the pretext of reduced work load and by not implementing the notification dated 5th December, 2019. Further direction is sought to prepare the time table in accordance with the notification dated 5th December, 2019. A prayer is also made for direction to the respondents to release the salaries from 11th September, 2019 onwards on the basis of

instructions dated 11th September, 2019 and 5th December, 2019.

2. The facts pleaded are that the petitioners initially joined as guest faculty and were being paid remuneration on hourly basis.

A notification dated 11th September, 2019 was issued fixing the remuneration @ ₹55,500/- per month in Government engineering colleges for guest faculties possessing minimum qualification provided there is full work load. It is alleged that on the date of issuance of notification as per time table, the petitioners were having 20 hours of work per week but later the work load was reduced from 20 hours to 15-16 hours per week just to avoid the payment @ ₹55,500/- per month. In February, 2020 when Dr. Wazir Singh was the Principal of the Institute, he took complete work from the guest faculty and they were paid remuneration @ ₹55,500/- per month for the period January, 2020 to March, 2020. They were also assigned administrative duties. In June, 2020, the respondent No.3 took the charge and he reduced work load of the guest faculties. In August, 2020, when the new session started, only work load of theory classes was considered in the time table and not of laboratory work, as a result work load of the petitioners reduced to 16 hours per week. The allegation is because of reduced work load,

petitioner No.1 was not allowed to join. The case set up is that two other institutes of engineering and technology have included laboratory period work load in the time table.

3. Learned counsel for the petitioners submits that work load has been intentionally reduced and the time table is not being properly fixed thereby depriving the petitioners from work load of 20 hours per week. He argued that the respondent No.3 has intentionally not included laboratory work load in the time table just to deprive the petitioners' payment @ ₹55,500/- per month. The grievance is that the respondents have not released their salaries since 11th September, 2019 on the basis of instructions dated 11th September, 2019.

4. During the course of hearing, it was specifically put to the counsel for the petitioners as to whether the petitioners' services have been dispensed with. He submitted that though it is written in the prayer but the petitioners are continuing except that petitioner No.1 who is not allowed to join. However, he fairly submits that no document has been annexed supporting the said fact.

5. The grievance raised by the petitioners involves disputed

question of fact. This Court cannot sit in appeal in the writ petition for finalizing the time table of the institution or distribution of work load. It is the case of the petitioners that they are being allocated 15-16 hours of work per week, in the current COVID-19 situation also. It is important to note that the educational institutes are not having full fledged working, it would be reasonable to accept that work load is bound to reduce. The contention that laboratory work load has not been added is noted to be rejected. If the students are not physically coming to the institutions, there would not be any laboratory work. Rather petitioners have themselves pleaded that classes are being conducted online. To compare the work load of March, 2020 with the period thereafter, would not be fair in view of the pandemic. Present is not a case of dispensing services of the petitioners but only reduction in the work load. From the instructions relied upon by the petitioners, it is forthcoming that institutions will first allocate the the work load to the regular teaching faculty/ workshop staff of particular subject and remaining is to be distributed amongst the guest faculty.

6. Apart from bald assertion, there is nothing on record to show that the petitioners are not being paid remuneration from 11th

September, 2019 as per instructions dated 11th September, 2019 and 5th December, 2019. In paragraph 8 of writ, it is specifically pleaded that full remuneration of ₹55,500/- per month was paid in the month of January, February and March, 2020.

7. No case of illegality, arbitrariness or unreasonableness of the respondents is made out to invoke interference in writ jurisdiction, the petition is dismissed.

8. However, in case there is any grievance with regard to non-payment of remuneration, the petitioners may approach the respondents. In case a representation only regarding non-payment of remuneration is made, the same would be considered by the respondents within three weeks of its filing.

[AVNEESH JHINGAN]
JUDGE

1st October, 2020
pankaj baweja

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |