

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

Sr. No.104

**CWP-17258-2020 (O&M)
Date of Decision: 16.10.2020**

Preeti

...Petitioner

VERSUS

State of Haryanas and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Anurag Jain, Advocate,
for the petitioner.

ARCHANA PURI, J.(ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed by the petitioner thereby seeking issuance of direction to restrain the respondents from replacing the petitioner with another set of similarly placed extension/ contractual teachers or by way of transfer/deputation of regular teachers from another college, against the post held by the petitioner, except by way of appointment of appointment of fresh regular candidate on minimum of prescribed regular pay scale. Besides the same, even writ of mandamus has been sought thereby directing the respondents to grant the minimum pay scale to the petitioner i.e. Rs.57,700/- w.e.f. 15.03.2019, the date on which she acquired the qualification of Ph.D.(Mathematics), as respondent No.1 vide instructions dated 20.07.2017, Annexure P-3, whereby a direction has been issued for extension of lecturers doing identical duties, as regular Assistant/Associate Professor.

The grievance of the petitioner is that right from the date of appointment, she has been performing her duties from August, 2013 till July 2016. She was being relieved during vacations and other off months of teaching during academic year. However, from August, 2016, onwards, till date, the practice of giving extension to teachers during vacation and other off teaching periods, was stopped and, thus, from August, 2016, she is discharging her duties without any break. However, instructions had also been on 20.07.2017 about the extension of Lecturers being engaged on temporary basis, if there is workload of more than the prescribed norms. Further, it is the claim of the petitioner that from July, 2017 onwards, since the petitioner did not have the qualification of degree of doctorate of philosophy or NET, therefore, in terms of instructions of the Government, she was entitled for payment of consolidated salary of Rs.23,500/- and on account of same, now the deficient payment is to the extent of 98,500/-. As per the instructions, after acquiring minimum qualification of the Ph.D. degree, she was entitled to remuneration equal to others from the date of acquiring minimum qualification and she has passed the degree of doctor of Philosophy in Mathematics. Thus, being so, she was entitled to salary of Rs.57,700/- per month, since 27.06.2019 on the basis of circular issued on principle of equal pay for equal work, relating to extension lecturers working in the Government Colleges. Now, it is submitted by learned counsel for the petitioner that petitioner has gathered information about respondents going to either replace the petitioner with another set of extension lecturer or by way of transfer/deputation of regular teacher from another college. The petitioner has also submitted a representation on

01.10.2020, which is Annexure P-8, relating to which, no response has come from the respondents.

Notice of motion issued.

Mr. Kapil Bansal, DAG, Haryana accepts notice on behalf of the respondents-State. However, it is submitted by learned State Counsel that still the question of eligibility of the petitioner to continue as extension lecturer and her entitlement to the enhanced amount of salary is yet to be ascertained on the basis of the verification of the Ph.D. degree, so obtained by her. He has also assured of taking appropriate action on the basis of the representation dated 01.10.2020, which is Annexure P-8.

Keeping in view the above, grievance of the petitioner and also the submission, so made by the learned State Counsel and assurance given by him to take appropriate action on representation dated 01.10.2020 (Annexure P-8), the present petition is hereby disposed of with a direction to respondent No.3 to redress the grievance of the petitioner, in the light of the submission so made in the petition and also keeping in view the contents of the representation (Annexure P-8) and also providing an opportunity of personal hearing and to pass a speaking order, in accordance with law, on the basis thereof within a period of six weeks from the date of receipt of certified copy of this order.

In the meanwhile, no precipitating action shall be taken vis-à-vis the grievance of the petitioner.

16.10.2020
dinesh

(ARCHANA PURI)
JUDGE

Whether speaking
Whether reportable?

Yes
No

