

CWP No.26156 of 2016
Date of Decision: 13.01.2020

Babu Ram

.....Petitioner

Versus

M.D. University, Rohtak and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Parminder Singh, Advocate
for the petitioner.Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate
for the respondents.**NIRMALJIT KAUR, J. (ORAL)**

The present writ petition is filed with the following prayers:

1. Firstly, directing the respondents to consider the pending representations dated 01.12.2015 (Annexure P-7) and 11.07.2016 (Annexure P-9) for re-fixing of the pension as per the Government of Haryana, Finance Department, Pensionary Benefit Circular dated 16.10.2009 (Annexure P-5) and for grant of consequential pensionary benefits by counting the length of service of the petitioner w.e.f. 14.08.1976 upto the date of retirement
- 2) Secondly, directing the respondents to grant additional benefit of three years service towards retirement benefits (Pension and Gratuity) in lieu of Ph.D degree in the light of decision in LPA No.27 of 2006.
- 3) Thirdly, directing the respondents to grant the benefit of commuted pension, counting the previous service of the petitioner w.e.f. 19.09.1975 to 31.03.1976, with Kurukshetra University, Kurukshetra (upgraded to Rohtak University) and grant of pension as per Haryana

Government Memorandum dated 20.02.2002, equivalent to the prevailing interest over the GPF.

Learned counsel for the petitioner at the outset states that he does not wish to press the third prayer.

Accordingly, the present writ petition survives only qua prayer Nos.1 and 2.

With respect to the first prayer, it is not disputed that the same has already been accepted. This is evident from the written statement as well as Annexure R-1/2, placed on record by the respondents alongwith the reply. However, the monetary benefits have still not been granted, which the petitioner is entitled. In view of the admitted position, the respondents are directed to re-fix the pay and grant the consequential pensionary benefits by counting the length of service of the petitioner w.e.f. 14.08.1976 to the date of retirement and the arrears be accordingly paid from the date they fell due.

With respect to the second prayer, there is no denial in the written statement except that no decision has been taken in view of the pendency of the present writ petition. However, the said issue is no more res-integra in view of the judgment rendered by the Division Bench of this Court in the case of The Vice Chancellor, Maharshi Dayanand University, Rohtak and another Vs. Dr. Jahan Singh, LPA No.27 of 2006, decided on 26.05.2009, placed on record as Annexure P-6, vide which, the additional benefit of three years in lieu of Ph.D degree was granted towards the pensionary benefits. Para No.33 of the judgment reads as under:-

“33. The learned Single Judge has also adopted correct approach by placing reliance on clause 17 of the UGC notification dated 24.12.1998, which has already been

reproduced in para 27 above. It is also not in dispute that the Haryana Government accepted the revision of pay scale in respect of the University and College teachers. Clause 17.1.0 in clear terms postulate that three years benefit be provided to the teachers who have acquired Ph.D. degree at the time of entry into service so as to enable them to get full retiral benefits, which are available after 33 years of service, subject to the overall age of superannuation. Accordingly, the petitioner-respondent would be entitled to the aforesaid benefits, as has been rightly held by the learned Single Judge, particularly in view of the judgment of Hon'ble the Supreme Court rendered in the case of University of Delhi v. Raj Singh, AIR 1995 SC 336. According to the ratio of the aforesaid judgment the notifications issued by the UGC are binding on the Universities.”

In view of the same, the petitioner is held entitled to the additional benefit of counting three years service towards the pensionary benefits in view of the Ph.D degree as per the judgment rendered in the case of The Vice Chancellor, Maharshi Dayanand University, Rohtak and another (supra).

Accordingly, the respondents are directed to re-fix the pay/pension by granting the above. The arrears of pension be paid alongwith interest @ 6% per annum after re-fixing from the date when the same became due till its actual payment.

Allowed, as above.

13.01.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No