

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26405 of 2016

Date of decision: 19.02.2020

Dr. Neelam Sharma

.... Petitioner

versus

Panjab University and another

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.P. Bhandari, Advocate
for the petitioner.

Mr. Ashish Rawal, Advocate and
Ms. Gursimran Kaur, Advocate
for respondent No.1.

Mr. Salil Sabhlok, Advocate
for respondent No.2.

HARSIMRAN SINGH SETHI, J.

The primary contention which is being raised by the learned counsel for the petitioner in the present writ petition is that the petitioner had approached this Court seeking promotion to the post of Deputy Librarian, Stage-5 under the Career Advancement Scheme (CAS) by filing CWP No.8645 of 2016, which was disposed of by this Court on 05.05.2016 by passing following orders:-

“Learned counsel for the petitioner submits that at this stage, he would be satisfied if the present writ petition is disposed of with a direction to respondent No.2 to take a decision on the legal notice dated 29.02.2016 (Annexure P-5), issued on behalf of the petitioner.

I find the prayer made by learned counsel for the petitioner to be reasonable.

Accordingly, at this stage, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No.2 to take a decision on the legal notice dated 29.02.2016 (Annexure P-5), issued

on behalf of the petitioner, by passing a speaking order and after affording opportunity of hearing to the petitioner, preferably within three months from the date of receipt of a certified copy of this order.

Needless to add that the decision so taken be communicated to the petitioner and if the decision is not to the satisfaction of the petitioner, she would be at liberty to challenge the same, in accordance with law.”

In pursuance to the order passed by this Court, petitioner received reply from Akshara Consultants on behalf of the University Grants Commission, whereby, a para wise reply was given to the legal notice dated 29.02.2016 sent by the petitioner, which was attached as Annexure P/5 with the CWP No.8645 of 2016.

Learned counsel for the petitioner argues that reply given to the legal notice which is given by the Consultant lawyer, hence, the same cannot be treated as order passed keeping in view the directions given by this Court in CWP No.8645 of 2016 on 05.05.2016 and, therefore, as the said reply cannot be taken into consideration for any purpose, the claim of the petitioner for promotion to the post of Deputy Librarian, Stage-5 under the Career Advancement Scheme (CAS) is liable to be allowed by this Court.

Learned counsel appearing for respondent No.2-UGC very fairly concedes that reply to the legal notice given by the consultant lawyer cannot be treated as order passed by the respondent-UGC. He undertakes that though, the reply has been given but, an appropriate order in respect of the claim of the petitioner for promotion to the post of Deputy Librarian, Stage-5 under the Career Advancement Scheme (CAS) will be passed by the respondent-UGC within a period of three months from today, keeping in view the order passed by this Court in CWP No.8645 of 2016 dated

05.05.2016.

Learned counsel for respondent No.2-UGC further undertakes that before passing the said order, the petitioner will be given an opportunity of personal hearing so as to understand her claim and to pass just decision upon her claim.

Learned counsel for the petitioner states that keeping in view the undertaking given by learned counsel for respondent No.2-UGC, he does not press the present writ petition any further, at this stage, and the same may be disposed of as having been not pressed.

Ordered accordingly. It is made clear that respondents will be bound by their undertaking as recorded above.

(HARSIMRAN SINGH SETHI)
JUDGE

19.02.2020.
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |