

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

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CWP No.6774 of 2021
DATE OF DECISION : 23rd MARCH, 2021

Naresh Kumar Kansal

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Shailendra Sharma, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India for issuance of writ in the nature of mandamus directing the respondents to consider the petitioner as fully eligible Lecturer in view of the UGC guidelines and also by keeping in view the fact that before appointment as Extension Lecturer, the petitioner retired as Principal from the Government College in the State of Haryana after attaining the age of superannuation and cannot be treated as ineligible Extension Lecturer and further, to release the consolidated monthly remuneration of the petitioner @ ₹57,700/- w.e.f. 01.03.2020 by keeping in view Point 8 of the Policy Guidelines dated 04.03.2020 (Annexure P-5) and release the arrears i.e. (difference of ₹57,700 – 35400/-) per month w.e.f. 01.03.2020 till date with interest @

12% per annum from the date it became due till the actual date of payment.

It is submitted by the counsel for the petitioner that the petitioner was working as a lecturer in English on regular basis. However, he retired from the service on 30.09.2018 after attaining the age of superannuation; from Government College Bawal in District Rewari. Thereafter the petitioner has been engaged as Extension Lecturer under the policy dated 04.03.2020 (Annexure P-5) issued by the State Government. That policy prescribes the payment of ₹57,700/- per month as remuneration for those Extension Lecturers who are eligible for the post. However, the respondents are paying only ₹35,400/- per month as remuneration to the petitioner, which is the rate prescribed for ineligible persons. Hence, the petitioner deserves to be paid the difference between the two amounts so as to make the payment to the petitioner @ ₹57,700/- per month, to which he is entitled being an eligible person.

Notice of motion.

Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana accepts notice on behalf of the respondents. The counsel for the respondents has submitted that the petitioner is a retiree and has been re-engaged as Extension Lecturer. The payment to the petitioner is governed by Clause 11 of the policy being a re-engaged retired person. Hence, the petitioner has rightly been paid the amount of ₹35,400/- per month as per Clause 11 of the Policy. Therefore, the writ petition deserves to be dismissed.

Having heard learned counsel for the parties, this court does not find any substance in the argument of the counsel for the petitioner.

Undisputedly, the petitioner was working as regular Lecturer in the department in Government College. Therefore, there is no question of applicability of the concept of eligible or ineligible teachers qua him. He was eligible teacher and, only therefore, earlier he worked in the department as a lecturer on regular basis. But for the retired and re-engaged teachers, there is a separate and specific provision for remuneration in the policy issued by the State Government. The remuneration clause for retired but re-engaged teachers specifically provides for payment of ₹35,400/- per month. Undisputedly, the said amount is being paid to the petitioner as well. It is for the petitioner whether to take up this employment and the remuneration under the policy and as per the terms of the policy; or to get out of the employment if he is not satisfied with the remuneration. However, this court simply cannot order payment of higher salary to the petitioner in violation of the clause of the policy.

In view of the above, finding no merit in the present petition the same is dismissed.

23rd MARCH, 2021
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>