

CWP-34689-2019 (O&M) and other connected cases

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 202)**

**(1) CWP-34689-2019 (O&M)
Date of Decision : 15.07.2021**

Ramesh Kumar and Others ...Petitioners

Versus

**Guru Jambheshwar University of Science and Technology, Hisar
through its Registrar and another ...Respondents**

(2) CWP-34966-2019 (O&M)

Jogender Singh and Others ...Petitioners

Versus

**Guru Jambheshwar University of Science and Technology, Hisar
through its Registrar ...Respondents**

(3) CWP-7570-2020 (O&M)

Rekha Sahu ...Petitioner

Versus

**Guru Jambheshwar University of Science and Technology, Hisar
through its Registrar and another ...Respondents**

(4) CWP-96-2020 (O&M)

Sharmila ...Petitioner

Versus

**Guru Jambheshwar University of Science and Technology, Hisar
through its Registrar and another ...Respondents**

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioners
(in CWP No. 34689 of 2019).

Mr. Surinder Singh Duhan, Advocate
for the petitioner (in CWP No. 7570 of 2020).

Mr. Puneet Gupta, Advocate for the respondent-University.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

By this order, four writ petitions, the details of which have been given hereinbefore, are being disposed of by this common order as all the writ petitions involve the same question of law based upon similar facts. For the purpose of this order, facts are being taken from CWP No. 34689 of 2019 titled as '**Ramesh Kumar and others Vs. Guru Jambheshwar University of Science and Technology, Hisar through its Registrar and another**'.

In the present writ petitions, the relief being sought against the respondent-University is that the petitioner(s), who are working on the post of Assistant Professor, are entitled for the salary of Rs. 57,700/- per month keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 213 of 2013 titled as ***State of Punjab and others Vs. Jagjit Singh and others***, decided on 26.10.2016. Further prayer of the petitioner(s) is that their services should not be replaced with another set of employees on the same/similar terms and conditions.

As far as the first prayer of the petitioner(s) is concerned, learned counsel appearing on behalf of the respondent-University submits

that the University, in view of the judgment in *Jagjit Singh's case (supra)*, had considered the said aspect and has already taken a decision on 12.09.2019 (Annexure P-4) so as to grant the Assistant Professors a salary of Rs. 57,700/- even to those, who are working on contract basis on the basis of 'principle of equal pay for equal work'. Learned counsel for the respondents submits that as per Clause-3 of the said letter, it is mentioned that the salary of the employees, who were appointed in the year 2019-2020 shall be revised after the sanction of the posts or after one year, whichever is earlier. The said Clause-3 is causing prejudice to the petitioner(s), for the reason that they have not been paid the salary of Rs. 57,700/- for the session 2019-2020 though, they are being paid the salary of Rs. 57,700/- starting from the session 2020-2021.

Learned counsel for the respondent-University argues that the petitioner(s) were not working on the sanctioned post and, therefore, the sanction was needed before the grant of salary of Rs. 57,700/- and, therefore, the claim being raised by the petitioner(s) for the grant of salary of Rs. 57,700/- for the year 2019-2020, is not maintainable.

With regard to the second prayer of the petitioner(s), learned counsel for the respondent-University very fairly submits that the petitioner (s) will not be replaced with another set of contractual employees as the University does not intend to replace them with another set of contractual employees unless and until any employee mis-conducts himself/herself during the tenure. Learned counsel for the respondent-University further submits that the petitioner(s) will be allowed to continue in service till the date University is of the opinion that workload exists and the services of the

petitioner(s) are required to discharge the said workload. Learned counsel for the respondents further submits that the petitioner in CWP No. 7570 of 2020, namely, Rekha Sahu, has already been relieved from service and she has already approached this Court by filing a writ petition, which is pending consideration before this Court. This fact is not disputed by learned counsel for the petitioner.

Learned counsel(s) appearing on behalf of the petitioner(s) in other writ petitions submit that the statement of learned counsel for the respondent satisfies grievance of the petitioner(s) therein.

The only question which arises for determination in the present cases is, whether the petitioner(s) are entitled for the grant of salary of Rs. 57,700/- even for the year 2019-2020. The law settled by the Hon'ble Supreme Court in *Jagjit Singh's case (supra)*, is very clear. Even the University, keeping in view the said settled legal principle, has already decided on 12.09.2019 (Annexure P-4) that the Assistant Professors, who are working on contract basis, are entitled for a salary of Rs. 57,700/-. By implementing the said decision, even the petitioner(s) have been granted the same but from the session 2020-2021. Once, the University had taken a decision to grant the pay of Rs. 57,700/- to the Assistant Professors on 12.09.2019 (Annexure P-4), the petitioner(s) should have been granted the said pay immediately upon taking the said decision. The conditions, which have been imposed in Clause-3 of the letter dated 12.09.2019 (Annexure P-4) by which the Assistant Professors were granted the pay of Rs. 57,700/- has no nexus with the objection sought to be achieved. In case, the petitioner(s) were not working on a sanctioned post for the session 2019-

2020, the situation remains same even for the session 2020-2021 for which the petitioner(s) have already been granted the salary of Rs. 57,700/-. Once, despite the fact that the petitioner(s) were not working against the sanctioned post, they have been given the salary of Rs. 57,700/- for the session 2020-2021, why the same benefit be not given to them even for the session 2019-2020, when the decision has already been taken by the University on 12.09.2019 (Annexure P-4) that Assistant Professors are entitled for a salary of Rs. 57,700/- as per law settled in ***Jagjit Singh's case (supra)***. It is not denied by the respondent-University that the petitioner(s) were discharging the same duties in the session 2019-2020, which they are discharging in the session 2020-2021. That being so, the decision of the University as taken on 12.09.2019 (Annexure P-4) to grant salary of Rs. 57,700/- to Assistant Professors should have been given effect to immediately upon the employees, who were already employed at the relevant time rather than waiting for a period of one year or sanction of posts, which has no nexus with the objections sought to be achieved, especially, when the settled principle of law settled by the Hon'ble Supreme Court of India in ***Jagjit Singh's case (supra)***, grant the petitioner benefit even as per the respondents themselves. Therefore, the petitioner(s) will be entitled for the salary of Rs. 57,700/- starting from October, 2019 onwards i.e. immediately after the decision was taken by the respondent-University on 12.09.2019 (Annexure P-4).

Let the arrears for which the petitioner(s) become entitled under this order, be calculated within a period of three months and the same be released to them within a period of one month thereafter.

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The writ petition(s) are disposed of in above terms.

As the main case has been disposed of, the miscellaneous application i.e. CM No. 5956-CWP-2020 has become infructuous.

July 15, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No