

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of Decision: 12.12.2023

1. LPA No. 475 of 2022

State of Punjab and othersAppellants
Versus
Ashok Kumar and othersRespondents

2. LPA No. 962 of 2022

State of Punjab and othersAppellants
Versus
Raj Kumar Garg and othersRespondents

3. LPA No. 1017 of 2022

State of Punjab and othersAppellants
Versus
Renu Singla and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY, JUDGE

Present : Mr. Rohit Bansal, Sr. Deputy Advocate General, Punjab,
alongwith Mr. Navjeet Singh, Legal Assistant and
Mr. Gurdeep Singh, Senior Assistant, for the appellants.

Mr. Salil Sabhlok, Advocate, for respondent-UGC.

Mr. Sameer Sachdeva, Advocate, for Govt. Aided Teachers.

Mr. Deepak Malhotra, Advocate, for respondent No.1 in
LPA No. 962-2022.

Mr. Atul Nehra, Advocate, for respondents No.2 and 3 in
LPA No. 962-2022

Mr. Vijay Rana, and Ms. Shreya Rana, Advocates,
for respondent No.1 in LPA No. 1017 of 2022.

Mr. Tushar Sharma, Advocate, for the respondents No.1 to 7,
and 9 to 13.

RITU BAHRI, ACTING CHIEF JUSTICE (oral)

CM No. 1128-LPA-2022

Heard. For the reasons mentioned in the application, delay of
425 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 475 of 2022

After hearing learned counsel for the parties, the short question for consideration in the present appeals is whether as per the guidelines issued by the University Grants Commission (UGC), the benefit of Career Advancement Scheme under UGC can be denied to the employees of the private aided colleges only on the ground that they could not complete the refresher course within the stipulated time.

2. The learned Single Judge after examining this case has allowed the writ petitions filed by the respondents taking into account the judgment passed by a Division Bench of this Court in Civil Writ Petition No. 10097 of 2001 (*Sadhu Singh vs. State of Punjab*), wherein it has been held that financial crunch in the State cannot be a ground for denial of benefit to the similarly situated employees. It has been further observed that as per the provisions of Grant-in-Aid scheme as reflected at page 51 of the paper book, a policy decision has been taken to maintain proper academic standards. The respondents had challenged the order dated 30.11.2012 passed by the Director Public Instruction (Colleges), Punjab, whereby the claim of the respondents for extension of time for completion of refresher course for career advancement and consequential benefits has been rejected on the ground of paucity of funds. Vide impugned order dated 17.01.2019, the learned Single Judge has rightly set aside the aforesaid order dated 30.11.2012 by observing that the right of the respondents (petitioners therein) to claim parity cannot be taken away merely on the ground of financial crunch and the writ petitions were disposed of with a direction to the appellants (respondents therein) to comply with the order within a period of three months.

3. Now with regard to the grant of extension to do the refresher/orientation course, it is directed that all the Professors working in the Government colleges can complete the refresher course and get the benefit after the year 2013 because this discrimination cannot be made against the employees working in the Government Aided Colleges. The

appellants will comply with the order dated 17.01.2019 passed by the learned Single Judge and inform this Court on or before 15.03.2024.

4. With these observations, all the appeals stand disposed of. All the pending applications, if any, also stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

12.12.2023
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√