

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212/4

CWP-13814-2017

Date of Decision: 04.08.2023

Karan Behal and Others

...Petitioners

Versus

Board of Governors of National Institute of Technology,
Kurukshetra (Haryana) and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ravi Kumar Mishra, Advocate
for Mr. Karan Singla, Advocate for the petitioners

Mr. A.S. Virk, Advocate for respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Article 226 of
the Constitution of India are seeking:-

- i. setting aside of action of respondent to relieve the
petitioners before summer vacations;
- ii. pay the petitioners minimum pay scale meant for the
posts; and
- iii. not to replace the petitioners till regular appointments
are made.

2. Learned counsel for the parties are *ad idem* that the
petitioners have already been relieved.

3. As per learned counsel for the respondents, regular employees have already been appointed in place of the petitioners.

4. The petitioners were not relieved prior to summer vacation, thus, prayer qua not relieving the petitioners prior to summer vacation has rendered infructuous.

5. The petitioners have already been relieved and a new set of regular employees have already been appointed, thus, prayer of the petitioners not to relieve them till appointment of regular employees has also rendered infructuous. The petitioners are disputing appointment of regular employees, thus, they are at liberty to avail remedy in accordance with law, however, petitions are disposed of on the basis of statement of learned counsel for the respondents.

6. A Coordinate Bench of this Court vide order dated 21.11.2019 passed in ***Atul Wadhwa Versus National Institute of Technology Kurukshetra and Another; RA-CW-84-2019 in CWP-12626-2016*** has held that petitioners are entitled to payment of minimum regular pay scale. The respondents have filed intra court appeal before this Court. A Division Bench of this Court vide order dated 27.02.2020 while taking up 6 LPA(s) involving identical issue has directed to maintain status quo in respect of amount of salary/emoluments.

7. Learned counsel for the respondents submits that petitioners would be paid same benefit, as, at any stage, is paid to the respondent in

LPA No.161-2020 on account of dismissal of LPA or otherwise.

8. Learned counsel for the petitioners agrees to the said arrangement.
9. In view of statement of both sides, the present petition is disposed of.

(JAGMOHAN BANSAL)
JUDGE

04.08.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>