

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(242) CWP-20431-2018, CWP-16663-2018,
and CWP-23239-2018
Date of decision:- 17.11.2023.

(1) Dr. Tripat Sharma ...*Petitioner*
Vs.
Kurukshetra University, Kurukshetra through its Registrar
and anr. ... *Respondent(s)*

AND

(2) Dr. Puran Chand Sharma And Ors ...*Petitioner(s)*
Vs.
Maharshi Dayanand University Rohtak and anr. ...*Respondent(s)*

AND

(3) S.K. Sharma And Ors ...*Petitioner(s)*
Vs.
Maharshi Dayanand University Rohtak and anr. ...*Respondent(s)*

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. K.L. Arora, Advocate
for the petitioner in all the cases.

Mr. Ashok Kumar Jindal, Advocate
for respondent No.1 in CWP-20431-2018.

Mr. Deepak Balyan, Advocate and
Mr. Vicky Chauhan, Advocate
for respondent-MDU in CWP-16663-2018
and CWP-23239-2018.

HARSH BUNGER, J. (Oral)

1. This order shall dispose of above-mentioned three petitions
bearing Nos. **CWP-20431-2018** titled as “**Dr Tripati Sharma Vs.**
Kurukshetra University, Kurukshetra through its Registrar and anr.” ,
CWP-16663-2018 titled as “**Dr. Puran Chand Sharma and Ors. Vs.**

CWP-20431-2018 and connected cases.

2.

Maharshi Dayanand University Rohtak and anr. and *CWP-23239-2018* titled as “*S.K.Sharma and Ors. Vs. Maharshi Dayanand University Rohtak and anr.*” as the relief sought in all the petitions is identical.

2. These writ petitions are filed by the petitioners seeking writ of mandamus for directing the respondent-Universities i.e. Maharshi Dayanand University Rohtak in *CWP-16663-2018* and *CWP-23239-2018* and Kurukshetra University, Kurukshetra in *CWP-20431-2018*, to count the services rendered by the petitioners in the Government Aided Colleges in Haryana, as qualifying service towards service rendered by them in the University and consequently grant pension and pensionary benefits to the petitioners/retirees in view of memo dated 05.03.2018 issued by the Director Higher Education, Haryana.

3. In support of their respective claims, learned counsels for the petitioners have placed reliance on an Office memo dated 28.11.2011 issued by the Financial Commissioner and Principal Secretary to Director General, Higher Education Department (Annexure P-11 in *CWP-16663-2018*), Office memo dated 05.03.2018 i.e. Clarification issued by the Director General Higher Education, Haryana (Panchkula) (Annexure P-10 in *CWP-16663-2018*), Pension Rules and C.P.F Rules (Annexure P-13 in *CWP-16663-2018*) and also judgment dated 27.04.2017 passed in Writ No. 2413 of 2016 (Annexure P-14 in *CWP-16663-2016*) and Judgment dated 21.03.2016 passed in *CWP-21856-2014* (Annexure P-15 in

CWP-20431-2018 and connected cases.

3.

CWP-16663-2018).

Learned counsel for the petitioners has further relied upon the judgment dated 13.01.2010 passed in *CWP-9767-2009 “Dr. Virender Singh Dahiya and ors. Vs. State of Haryana etc.”* and judgment dated 22.07.2009 passed in *CWP-16817-2007 “Vijay Singh Vs. State of Haryana and ors.”* and *CWP-18544-2006 “Randhir Singh Vs. State of Haryana and anr.”*.

4. After arguing for some time, learned counsel for the petitioners submits that at this stage the petitioners would be satisfied if the instant writ petitions are disposed of by granting liberty to the petitioners to submit a detailed representation to the concerned authorities, clearly making out / setting forth their claims therein on the basis of relevant Office Memo(s) / Circulars / Instructions / Service Rules / Regulation etc., and also the supporting judgments in their favour. It is further prayed that an appropriate direction be issued to the said authorities to consider and decide the claims, if submitted by the petitioner(s), in a time bound manner.

5. Learned counsel(s) representing the respondent-Universities have not raised any serious objection to the said course of action.

6. In view of the above, the instant writ petition(s) are disposed of with liberty to the petitioners to submit their detailed representation to the concerned authorities, clearly making out / setting forth their claims therein on the basis of relevant Office Memo(s) / Circulars / Instructions / Service Rules / Regulation etc., and also the supporting judgments in

CWP-20431-2018 and connected cases.

4.

their favour. In case any such representation is made by the petitioners to the concerned authorities within a period of eight weeks from today, then the concerned authority shall consider such representations of the petitioners in the light of the relevant Service Rules / Regulations / Office Memo(s) / Circulars / Instructions etc. along with the relevant judgments and decide the same by passing a speaking order after giving due opportunity of hearing to the petitioners; preferably within four months from the date of receipt of representation from the petitioner(s).

7. Needless to say that in case the petitioners are entitled to any benefit upon consideration of their claims, the same shall be extended to them.

8. Photocopy of this order be placed on the files of other connected cases.

9. All the pending applications, if any, shall stand closed.

(HARSH BUNGER)
JUDGE

17th November, 2023

spn

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No