

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30821-2018

Date of decision : 14.02.2023

Sumeet Singh

.....Petitioner

versus

Punjab Agricultural University, Ludhiana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. P.S. Khurana, Advocate
for the petitioner.

Mr. B.S. Baath, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

The present writ petition has been filed seeking writ in the nature of mandamus directing the respondents to protect the pay of the petitioner being drawn by him with his erstwhile employer i.e. Punjab State Cooperative Agriculture Development Bank Limited prior to his date of joining with Punjab Agricultural University, Ludhiana.

2. Petitioner, who was in employment of Punjab State Cooperative Agricultural Development Bank Limited applied after University invited applications for various posts including the post of Clerk in the pay scale of 10300-34800+3200. The application of the petitioner was approved by his erstwhile employer and forwarded to the prospective employer. The petitioner got selected and was appointed vide P-3 on 15.10.2018. The appointment order contained specific conditions which reads as under:-

“xx xx xx

(b) Their salary shall be fixed as per the Punjab Government Letter No. 7/204/12-4F.P.1/66 dated 15.01.2015 and Letter No. 6/20/2017- 1FP2/734 dated 07.11.2017 which

have been implemented in the University vide Comptroller, PAU Memo No. CAU.B-1/2015/19429 dated 11.03.2015 and Memo No. CAU.B-1/2017/16056-16155 dated 14.12.2017. Their salary shall be equivalent to the Minimum of the pay band during the probation period, if less than DC/Labour Rates then their salary shall be fixed equivalent to the DC/Labour Rates during the probation period as per the Punjab Government Letter No. 7/204/2012-4F.P.1/1049 dated 21.12.2015 which has been issued vide Comptroller, PAU Memo No.: CAU.B-1/2016/15784-904 dated 04.01.2016.”

3. The petitioner is aggrieved of the said conditions. Mr. Khurana appearing for the petitioner submits that in order to justify the same, the respondent has taken refuge under the amended rule as contained in Rule 4.4 of the Punjab Civil Service Rules Vol. I, Part I. He submits that the last date for submission of application was 23.10.2017, whereas the rule was amended on 07.11.2017 and thus, the petitioner would be governed by unamended rule and not the amended rule. The plea raised by Mr. Khurana is misconceived.

4. The offer of appointment to the petitioner was given vide P-3 on 15.10.2018. Thus, the offer of appointment given to the petitioner was well in accordance with the rule invogue on that date and it was for the petitioner to have accepted the offer or not. The petitioner having accepted the same and the offer being in accordance with rule, no fault can be found with clause (b) as contained in Annexure P-3.

5. Resultantly, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

14.02.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : Yes