**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Reserved on : 30.04.2024

Pronounced on : 16.05.2024

(i) CWP-1329-2020 (O&M)

Balvir Singh Garcha …..Petitioner

Versus

State of Punjab and others …..Respondents

(ii) CWP-1800-2020

Aman Kumar …..Petitioner

Versus

State of Punjab and others …..Respondents

(iii) CWP-2339-2020

Guru Nank Dev University (Non Teaching) Employee Association, Amrtisar …..Petitioner

Versus

State of Punjab and others …..Respondents

(iv) CWP-4351-2020

Gurmeet Bedhlan and others …..Petitioners

Versus

State of Punjab and others …..Respondents

(v) CWP-3130-2020

Jagtar Singh and others …..Petitioners

Versus

State of Punjab and others …..Respondents

(vi) **CWP-3939-2020**

Avtar Singh and others …..Petitioners

Versus

State of Punjab and others …..Respondents

(vii) **CWP-19646-2021**

Chetan Dass and others …..Petitioners

Versus

State of Punjab and others …..Respondents

(viii) **CWP-1967-2020 (O&M)**

Panjab University Staff Non Teaching Association and others …..Petitioners

Versus

Panjab University, Chandigarh and others …..Respondents

(ix) **CWP-5136-2020**

Sunil Kumar and others …..Petitioners

Versus

State of Punjab and others …..Respondents

(x) **CWP-2750-2020**

Category 'A' Class Officers (Non-Teaching) Association, Punjabi University …..Petitioner

Versus

State of Punjab and others …..Respondents

(xi) **CWP-2794-2020**

Punjabi University (Non-Teaching-B/C) Employees Association, Punjabi University, Patiala …..Petitioner

Versus

State of Punjab and others …..Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. D.S. Rawat, Advocate
for the petitioner(s) in CWPs-1329, 2339,
1800, 2750 and 2794 of 2020.

Mr. Ranjit Singh Kalra, Advocate
for the petitioner(s) in CWPs-3130, 3939, 4351
and 5136 of 2020 and CWP-19646-2021.

Mr. Dinesh Kumar, Advocate and
Mr. Arvind Galav, Advocate for the petitioners
in CWP-1967-2020.

Ms. Arundhati Kulshreshtha, A.A.G., Punjab.

Ms. Isha Goyal, Advocate for respondent No.3
in CWPs-2339, 1329 and 1800 of 2020.

Mr. Atul Kaushik, Advocate
for respondents No.1 and 2 in CWP-1967-2020.

Mr. H.S. Batth, Advocate for the respondent-Punjabi
University in CWPs-5136, 4351, 3939,
3130, 2750, 2794 of 2020 and CWP-19646 of 2021.

NAMIT KUMAR, J.

1. This judgment shall dispose of all the above-said writ petitions, as common question of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP No.1329 of 2020.

2. The petitioner has filed the present petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the letters/orders dated 26.08.2019 (Annexure P-7) and 27.12.2019 (Annexure P-10), whereby respondents No.1 and 2 have directed respondent No.3-Guru Nank Dev University, Amritsar (hereinafter referred to as 'the University) to withdraw the Secretariat Pay granted to the employees of the University. Further a writ of

mandamus has been sought for directing the respondents not to withdraw the Secretariat Pay from the petitioner and to continue to grant the same as per decision taken by the Syndicate on the recommendations of the Finance Committee of the University.

3. The brief facts of the case, which have been pleaded in the petition, are that the petitioner is working as Superintendent with the University and is also the Secretary of the Guru Nanak Dev University (Non-Teaching) Employees Association, Amritsar. The University was established under the 'Guru Nank Dev University Amritsar Act, 1969' (hereinafter referred to as 'the 1969 Act') and the powers of the officers of the University and service conditions of the employees are given in the 1969 Act and statutes of the University. As per 1969 Act, to advise the Syndicate on financial matters, there has to be a Finance Committee and the State Government has to provide grants to the University under Section 23. Similarly, the service conditions of the employees of the University are governed by the statutes of the University. Sections 16 and 23 of the 1969 Act relates to Finance Committee and the same reads as under :-

> *"**SECTION 16. FINANCE COMMITTEE:***
>
> *(1) There shall be a Finance Committee of the University consisting of the following persons, namely:*
>
> *(i) The Vice-Chancellor as Chairman.*
>
> *(ii) The Finance Secretary to the State Government, or his nominee not below the rank of Deputy Secretary.*
>
> *(iii) The Education Secretary to the State Government.*
>
> *(iv) Two members elected by the Senate.*
>
> *(v) Two members to be elected by the Syndicate.*

(2) The members elected by the Senate and the Syndicate shall hold office for two years.

(3) The Finance Committee shall advise the Syndicate on all financial matters.

SECTION 23. GRANTS BY THE STATE GOVERNMENT

(1) The State Government may, from time to time, provide such amounts by way of grants for meeting the capital, recurring or other expenditure of the University as it may deem fit.

(2) Without prejudice to the generality of the foregoing provision, the State Government shall provide a minimum annual grant of fifty lac rupees to the University for meeting its recurring expenditure:

Provided that if during any financial year the entire amount of the aforesaid grant is not utilized for meeting the recurring expenditure, the unutilized balance, may with the previous consent of the State Government, be utilized for meeting capital expenditure of University.

STATUTES

CHAPTER I

THE SCHEDULE THE STATUTES OF

THE GURU NANAK DEV UNIVERSITY

CHAPTER II

Mode of Appointment of Employees

39. The power of appointment of Officers of Class "A' shall rest with the Syndicate, Class 'B' with the Vice-Chancellor and Class "C' with the Registrar/Head of the Department concerned subject to the control of the Syndicate and ***in such Pay Scales as may be approved by it from time to time****.*

40. XXX

> *41. The Syndicate or the Vice-Chancellor or the Registrar, as the case may be, shall have the power to sanction a higher start than the minimum of the grade, accelerated increments, allowances, etc. as it or he may deem fit."*

4. Perusal of Section 16 makes it clear that Principal Secretary to Government of Punjab, Department of Higher Education and Languages and Principal Secretary to Government of Punjab, Department of Finance (respondents No.1 and 2) are the members of the Finance Committee of the University, which advises the Syndicate on all financial matters. Similarly, Statute 39 clearly provides that Syndicate has full power to appoint the employees in the University in the pay scales as may be approved from time to time and Statute 41 gives authority/power to the Syndicate or the Vice-Chancellor or the Registrar, as the case may be, to sanction a higher start than the minimum of the grade, accelerated increments, allowances etc. as it or he may deem fit.

5. On 18.12.1979, the Finance Committee of the University, which included respondents No.1 and 2 as its members, vide para 69 of the resolution recommended that the University employees in respect of common categories of posts will get the grades as per the Punjab Civil Secretariat employees and the said recommendation of the Finance Committee was duly approved by the Syndicate. The same reads as under :-

> *"**Recommendations of the Finance Committee dated : 18.12.1979 approved**.*
>
> *69. Considered the following recommendations of the Finance Committee dated :*

> *(7) (A) (I) That the grade of University employees in respect of common categories of posts as had been revised in the Punjab Civil Secretariat as well other categories of employees of the University, be revised with effect from 1.1.1978 as per Appendix on the same terms and conditions as laid down in notification No.38/4/79/FR (Pay Revision) dated 18.10.1979 of the Finance Department, Punjab."*

Thereafter, vide para 34 of the resolution dated 11.12.2001, passed by the Syndicate, it was again noted that all the facilities will be granted to the employees of the University as are given to the employees of the Punjab Civil Secretariat. The relevant part of para 34 of the resolution dated 11.12.2001 reads as under :-

> *"It was noted that as per earlier decision of the Syndicate, all the facilities will be granted to the employees of the University as are given to the employees of Punjab Civil Secretariat."*

Thereafter, Finance Committee of the University vide item No.20 of the meeting dated 18.03.2006 resolved that the ratio of Clerical cadre be maintained at par with the ratio of clerical cadre maintained in the Punjab Civil Secretariat. The relevant part of para no.20 of resolution dated 18.03.2006 reads as under :-

> *"It was passed that keeping in view the ratio of Clerical Cadre in the Civil Secretariat, present ratio of Clerical Cadre from 1:5:20:30 may be amended to 1:5:20:20 w.e.f. 01.04.2006 in the Budget of the University for the year 2006-2007 and after consideration of additional posts, it was decided by the Finance Committee that after the approval Principal Secretary to Govt., Punjab, Finance*

> *Department, the same may be sent for the approval of Syndicate"*

Thereafter Syndicate vide para 26 of the resolution dated 18.03.2006, passed the proposal as per item no.20 of the Finance Committee that the employees of the University will get the pay scales/grades as being given to the corresponding categories of the State Government and as already decided by the University Syndicate vide resolution dated 18.10.1979. The relevant part of para 26 of the resolution dated 18.03.2006 reads as under :-

> *"Discussed with Registrar, GNDU today. The proposal as per item No. 20 of the meeting of the Finance Committee held on 18.3.06 has been considered. It has been certified that the pay scales/grades being given to employees conform to the decision of the Univ. Syndicate dt. 18.10.79 which inter alia states that these will conform to grades of the State Govt. for corresponding categories. The item may, therefore, be approved."*

6. Perusal of the abovesaid decisions dated 18.10.1979 (Annexure P-2) and 18.03.2006 (Annexure P-4) taken by the Syndicate of the University, it is clear that conscious decision was taken by the University to treat its employees at par with that of Punjab Civil Secretariat employees and to grant them pay scales/grade pay/allowances at par with the employees of the Punjab Civil Secretariat. It is also a matter of fact that for granting the benefit of pay scales/grade pay/allowances to its employees at par with the employees of the Punjab Civil Secretariat, the University never claimed any extra budget allocated from the State Government and the University gave the

said benefit to its employees at par with the employees of the Punjab Civil Secretariat from the monthly budget already allocated to the University.

7. The State Government vide its instructions dated 13.10.2010 and 15.12.2011 granted the secretariat pay to certain categories of employees. The said decision was also made applicable to the similar categories of employees working in Punjab Vidhan Sabha, Financial Commissioner's Secretariat, Punjab Raj Bhawan, Legal Remembrancer and Punjab Public Service Commission and the said benefit of secretariat pay was also granted by the University to its employees. However, respondent No.1-Higher Education Department, Punjab Government, vide their letter dated 26.08.2019, directed the Vice Chancellor of the Punjabi University, Patiala, Guru Nank Dev University, Amritsar and Panjab University, Chandigarh to withdraw the benefit of Secretariat pay granted by them to their officers/employees. The said letter reads as under :-

"PUNJAB GOVERNMENT
HIGHER EDUCATION DEPARTMENT
(Education Branch-1)

To

1) Vice Chancellor, Punjabi University, Patiala.

2) Vice Chancellor, Guru Nanak Dev University, Amritsar.

3) Vice Chancellor, Punjab University, Chandigarh.

Memo No. 13/32/19-41/1556647/1-3

Dated, Chandigarh 26.08.19

Sub: Irregular payment of secretariat pay to University employees.

Reference on the subject cited above.

2. Your attention is invited to the instructions issued by the Punjab Government dated 13.10.2010 and dated 15.12.2011 and stated that under these instructions certain category of employees were allowed equal pay of Secretariat as under :-

> *"The Governor of Punjab is pleased to decide that the certain categories of employees working in the Punjab Civil Secretariat shall be entitled to Secretariat Allowance at the rates mentioned in the Annexure enclosed to this letter.*
>
> *This decision shall be also be applicable to similar categories of employees working in the offices of Punjab Vidhan Sabha, Financial Commissioner's Secretariat, Punjab Raj Bhawan, Legal Remembrancer and Punjab Public Service Commission."*

Keeping in view the above instructions of the Punjab Government on the above subject regarding grant of Irregular Secretariat Pay by the University, the Finance Department (Finance Personnel Branch-2) has clarified/ advised as under:-

> *"Universities have never been equated with Civil Secretariat office of Punjab Government by the Government of Punjab and hence any benefit granted to Punjab Government Secretariat employees cannot be made applicable to University employees."*

3. Keeping in view the instructions issued by the Punjab Government from time to time and above clarification/advice of the Finance Department (Finance Personnel Branch-2) you were asked to take necessary action within 10 days to stop payment of Irregular

Secretariat Pay to the Officers/Employees of the University under intimation to the Government.

4. Please give it to top priority.

Sd/-
Superintendent"

8. Aggrieved against the said letter dated 26.08.2019, Guru Nanak Dev University (Non Teaching) Employees Association, Amritsar vide their representation dated 29.08.2019, requested the Vice Chancellor to continue to pay the benefit of Secretariat pay and the said representation was forwarded by the University to the Principal Secretary, Higher Education and Languages, Government of Punjab, vide its D.O. letter dated 29.08.2019, however, the said representation was not accepted and vide another letter dated 27.12.2019, it was again directed to the Vice Chancellor of the three Universities to withdraw the said benefit of Secretariat pay. The letter dated 27.12.2019 reads as under :-

"PUNJAB GOVERNMENT
HIGHER EDUCATION DEPARTMENT
(Education Branch-1)

To

1) Vice Chancellor, Punjabi University, Patiala.
2) Vice Chancellor, Guru Nanak Dev University, Amritsar.
3) Vice Chancellor, Punjab University, Chandigarh.

Memo 13/32/19-4E1/473-475
Dated, Chandigarh 27.12.19

Sub: Irregular payment of secretariat pay to University employees.

Reference your letter No. 39551/Nig (Estt.)-8/E-14, dated 24.9.19, letter No. VC: 701/29.8.2019 and Government letter No. 13/32/19-41/1556647/1-3, dated 26.8.19 on the subject noted above.

2. Keeping in view the instructions of the Government dated 13.10.2010 and dated 15.12.2011 on the above subject regarding grant of Irregular Secretariat Pay by the University, the Finance Department (Finance Personnel Branch-2) vide his letter No. 10/2/2019-1FP2/1549481/1, dated 14.8.2019 has clarified/ advised as under:-

> *"Universities have never been equated with Civil Secretariat office of Punjab Government by the Government of Punjab and hence any benefit granted to Punjab Government Secretariat employees cannot be made applicable to University employees."*

Keeping in view the above advice, vide letter under reference dated 26.8.2019 (copy enclosed), you were asked to take necessary action within 10 days to stop payment of Irregular Secretariat Pay to the Officers/Employees of the University under intimation to the Government. The matter was taken up with the Finance Department as per your letter under reference and the Finance Department (Finance Personnel Branch-2) vide his letter No. 10/2/2019- 1FP2/299 dated 09.12.19 has advised as under:-

> *"Administrative Department is advised that Finance Department's advice dated 14.8.2019 is self explanatory and be implemented. Further, in case these universities do not agree to the decisions of the Government of Punjab then Finance Department will be compelled to initiate action in accordance with its instructions No. 9/8/2001-1FE2/3735 dated 25.4.2003 and impose suitable cut in the Grant-in-aid to the concerned university in the Revised Estimate 2019-20 and Budget estimate 2020-21."*

Instructions issued from time to time by the Punjab Government and clarification/advice of the Finance Department (Finance Personnel-2 Branch) on the above subject, you are requested to take action accordingly under intimation to the Government within a week.

Sd/-
Special Secretary Higher Education"

9. The instant writ petition has been filed by the petitioner impugning the letters dated 26.08.2019 (Annexure P-7) and 27.12.2019 (Annexure P-10) and vide order dated 23.01.2020 it was ordered that Secretariat pay from the salary of the petitioner would not be deducted.

10. On issuance of notice of motion separate replies have been filed by respondents No.1 & 2 and 3. In the written statement filed by respondents No.1 & 2, it has been averred as under :-

"xx xx xx xx xx

2. That the petitioners filed this C.W.P No. 1329 of 2020 in this Hon'ble High Court for the issuance of the direction for quashing the letters dated 26-08-2019 (P-7) and letter dated 27-12-2019 (P-10) vide which respondents no.1 & 2 had directed the respondent no.3 i.e. Guru Nanak Dev University to withdraw the benefit of Secretariat allowance granted to all its non teaching employees and further to issue directions to the respondents not to withdraw the Secretariat allowance to the petitioners.

3. That it is submitted that the Government of Punjab, Department of Finance granted the Secretariat Allowance on the recommendation of Punjab pay commission to various categories of employees working in Punjab Civil Secretariat, Punjab Vidhan Sabha Financial Commissioner Secretariat, Punjab Raj Bhawan Legal

Remembrance and Punjab Public Service Commission. Thereafter, vide letter no. 3/10/10-5FP2/786-91 dated 15-12-2011, the said allowance was converted to Secretariat Pay w.e.f. 01-12-2012. The said Pay has been granted to specific categories of employees only due to the fact that they are connected with Ministers and Secretaries of the State and their responsibilities are on the higher side than the other categories of employees. They are responsible for drafting different policies and instructions issued by the Government, therefore, to compensate for their responsibilities a special Secretariat Allowance now Pay had been granted to them. However, the duties/responsibilities of university employees are not similar to duties/responsibilities of employees of Secretariat/Vidhan Sabha etc, hence, the petitioners are not entitled for this special allowance. It is also brought to the kind notice of this Hon'ble Court that employees of Heads of the Departments of State are also not being granted this special Secretariat Allowance. Even the employees of the Answering Respondent Department are not entitled for the Secretariat Pay. This special pay has not been given to the employees of any other Department of Punjab Government.

4. That none of the universities of Punjab State was ever granted Secretariat Allowance by Punjab Government and the employees working in the University were never equated with the employees of the establishment to whom Secretariat Allowance was granted by the Govt. of Punjab Department of Finance. Hence benefit granted to Punjab Government Secretariat employees cannot be made applicable to University employees. Contents of Para No 3 of Preliminary Submission are reiterated.

5. That Guru Nanak Dev University Amritsar is getting grant from Punjab Govt., therefore, the University is bound *to comply with the conditions imposed by State Government. Respondent University cannot grant any extra special allowance/pay to its employees without approval of Punjab Govt.*

6. That, It is submitted that in accordance with instruction of Punjab Government issued vide letter no.9/8/2001-IFE2/3735 dated 25-04.2003 action can be initiated to impose suitable cut in the grant in Aid to the concerned University, if the concerned University do not agree with the decision of the Punjab Government.

7. That it is the prerogative of Punjab Govt. to grant or withdraw any allowance to its employees.

xx xx xx xx xx

On Merit

4. That in reply to the contents of para No. 4, it is submitted that the university has, no doubt the power to appoint its employees, however, the pay scales of university employees are fixed in light of pay scales of Punjab Govt. employees. As per statute 41 of the university Act, as referred by the petitioner in this para and para no.3 of writ petition, the Syndicate/Vice Chancellor/Registrar as the case may be, have the power to sanction a higher start than the minimum of the grade, however, they cannot change the grade itself or create a new allowance which is not given to employees of State Government. Moreover, as the university Act itself says that the Finance Committee has the power to advice the Syndicate on all financial matters and since, Respondents No. 1 and 2 are members of Finance Committee, hence they have the power to advise the university on any financial matter including the allowance paid to its employees. It is worth mentioning here that no approval of Punjab Government was sought *with regard to grant of Secretariat Allowance/pay to the employees of respondent No.3 University.”*

11. The University in its reply has supported the claim of the petitioner.

12. Learned counsel for the petitioner submits that the petitioner has been granted the benefit of Secretariat pay in confirmity with the provisions of the statute, which empowers the University to grant the benefit of pay scales/grade pay/allowances at par with the employees of the Punjab Civil Secretariat and the State Government has no jurisdiction to interfere with the decision taken by the University or to issue directions to the University to stop the grant of the said benefits. He has placed reliance upon the judgment passed by this Court in ***G.S. Negi Vs. Punjabi University, Patiala : 1996 (3) S.C.T. 446*** and ***Sardari Lal and others Vs. State of Punjab and others : 1996 (3) S.C.T. 17*** which has been upheld by the Hon’ble Supreme Court in ***State of Punjab and another Vs. Sardari Lal and others : 2003 (10) SCC 253***.

He further submits that once the posts have been equated and pay parity has been maintained then such pay parity cannot be disturbed. As in the present case, pay parity between employees of the University and Punjab Civil Secretariat has been maintained since 18.12.1979, i.e. for the last more than 44 years, with the knowledge and approval of the State Government as both respondents No.1 and 2 were members of the Finance Committee which recommended pay parity between the employees of the University and Punjab Civil Secretariat, therefore, the same cannot be disturbed. He has also placed reliance upon the judgment passed by this Court in ***Mange Ram and others Vs. State of Haryana and others : 2015 (4) S.C.T. 127***.

13. Per contra, learned State counsel has submitted that the State Government which bears the financial burden has the right to stop the benefit of Secretariat pay as the employees of the University cannot be treated at par with the employees of the Punjab Civil Secretariat and others institutions to whom the said benefits have been granted.

14. I have heard learned counsel for the parties and perused the relevant record with their able assistance.

15. Admittedly, the Syndicate of the University on recommendation of Finance Committee, vide its resolution/decision dated 18.12.1979 resolved that the University employees in respect of common categories of posts will get the grades as per the Punjab Civil Secretariat employees and respondents No. 1 & 2 were members of the Finance Committee. Thereafter, the Syndicate vide its decision dated 11.12.2001 and 18.03.2006 again reiterated that the University employees in respect of common categories of posts will get the grades as per the Punjab Civil Secretariat employees. For the last more than 44 years, the employees of the University are drawing pay scales/grade pay/allowances at par with their counter parts in the Punjab Civil Secretariat with the knowledge and recommendation of respondents No.1 & 2. However, respondents No.1 & 2 despite having no jurisdiction to interfere in the day to day affairs of the University, vide impugned letters dated 26.08.2019 and 27.12.2019 have asked the University either to withdraw the Secretariat Pay from the employees of

the University or to face suitable cut in the Grant-in-aid in the Revised Estimate 2019-20 and Budget estimate 2020-21 on the ground that the State Government never equated the employees of the University at par with the employees of Punjab Civil Secretariat.

16. A Division Bench of this Court while considering the similar issue of grant of accelerated increments as per University Statute 41 in ***Sardari Lal's case (supra)*** has held as under :-

> *"6. The primary contention raised by the learned counsel for the petitioners is that the action of the Vice Chancellor and the Registrar of the University in granting accelerated increments was in conformity with the provisions of Statute 41. The State Government had no jurisdiction to interfere with this decision or to stop the grant of this benefit to the employees.*
>
> *xx xx xx xx xx*
>
> *9. The University was established and incorporated by Punjab Act No. 21 of 1969. Under Section 14(5) of the Act, the Syndicate shall be the principal executive body of the University and shall have the management and administration of revenue and property of the University. Section 19 provides for the making, amendment, repeal and operation of Statutes, which reads as under:*
>
>> *"19.(1) The first statutes of the University shall be made by the State Government and notified in the official gazette.*
>>
>> *(2) The Syndicate may, from time to time, make new or additional Statutes or may amend or repeal the Statutes.*
>>
>> *(3), (4) and (5).....omitted*
>>
>> *(6) Every new Statute or addition to the Statues or any amendment or repeal of a Statute shall require the approval of the Chancellor who may sanction, disallow or remit it for further consideration".*

10. Sections 23 and 25 to which a reference has been made in the written statement filed on behalf of the respondents are in the following terms :

> *"23. (1) The State Government may, from time to time, provide such amounts by way of grants for meeting the capital, recurring or other expenditure for the University as it may deem fit.*
>
> *(2) Without prejudice to the generality of foregoing provision, the State Government shall provide a minimum annual grant of fifty lac rupees to the University for meeting its recurring expenditure:*
>
> *Provided that if during any financial year the entire amount of the aforesaid grant is not utilised for meeting the recurring expenditure, the unutilised balance may, with the previous consent of the State Government, be utilised for meeting capital expenditure of the University.*
>
> *25. The accounts of the income and expenditure of the University shall be submitted once in every year to the Government for such examination and audit as the Government may direct. The accounts, when audited, shall be published in the Official Gazette".*

11. A perusal of the above provisions leaves no doubt that the first Statutes of the University were promulgated by the State Government. However, the Syndicate has the power to make new Statute as also to amend or repeal the existing Statutes. It is further provided in sub-section (6) that the Statutes framed by the Syndicate required the approval of the Chancellor. Section 23 authorises the State Government to provide grants for meeting the expenditure. Under Section 25, the accounts of the incomes and expenditure of the University have to be submitted to the State Government for examination and audit. No provision *has been pointed out which may show that the Government is entitled to interfere with the day-to-day administration of the University or the grant of benefits to the employees.*

xx xx xx xx xx

14. On a perusal of the provisions of the Act and Statute 41, it is obvious that the syndicate is the principal executive body of the University. It exercises the power of administration and management of the revenue and property of the University. It is responsible for the conduct of administrative affairs of the University. The State Government is obliged to provide funds. Once in a year, the University has to submit the accounts of incomes and expenditure to the State Government for examination and audit. However, there is no provision which may authorise the State Government to interfere with the day-to-day administration or the grant of benefits to the employees. It is further apparent that the conditions of service of the employees of the University in the teaching and non-teaching departments are governed by the Statutes contained in Chapter II. Statute 41 specifically vests the power with regard to the grant of accelerated increments in the Authorities of the University. The State Government has not been given any power of control or supervision in this behalf.

15. It is true that the State Government bears the financial burden of the expenses incurred by the University to a considerable extent. However, in the absence of a provision specifically authorising the Government to interfere with the orders of the competent Authority, it cannot be said that it had the power to stop the grant of accelerated increments to the employees. Nor is there any provision which may oblige the University to follow the policy of the State Government or "the general principles *of administration applicable to the employees of the State Government". If the Syndicate or the Vice Chancellor or the Registrar of the University considers it appropriate to reward the deserving employees as falling within their respective jurisdiction by the grant of accelerated increments for the good work done by them, as at present, the State Government has no jurisdiction to interfere with their orders.*

16. The provision contained in Statute 41 has a salutary purpose to serve. It authorises the competent Authority to encourage a deserving employee. In normal course, every employee earns the increment at the end of the year. Under the present system, every official gets promotion virtually in his turn. There is hardly any chance for a meritorious candidate to steal a march over his seniors. In practice, the archaic rule of seniority is scrupulously followed with the result that there is no incentive for a person to work hard and excel. The provision in Statute 41 provides a method by which the competent Authority can encourage a deserving person. It provides an incentive for the employees to put in their best so that they may have the satisfaction of earning a little more than others. It contemplates the recognition of merit. It may be that the Government has taken a policy decision to give cash rewards to its employees. Such a decision, however, it is in no way binding on the University.

17. Admittedly, a large number of employees are working in the University. Out of them, a few appear to have been selected for the grant of accelerated increments. This has been done to reward them for good work. The expense involved is not such as may amount to extravagance. It has not been shown that the Authorities have been indiscriminately sanctioning the grant of accelerated increments to all and sundry. In case it was *found that the power was being misused, it may become necessary for the appropriate Authority to amend the Statute or to incorporate other provisions. However, in the circumstances of the present case, it is not possible to accept the suggestion made on behalf of the respondents that the Government was forced to intervene as the University Authorities were sanctioning increments extravagantly.*

18. In view of the above, the question posed at the outset is answered in the negative. It is held that the State Government has no jurisdiction to interfere with the order regarding the grant of accelerated increments passed by the Vice Chancellor or Registrar

19. Accordingly, the writ petition is allowed. The impugned action of the respondents is set aside. It is directed that the orders regarding grant of accelerated increments to the petitioners shall be implemented. Consequential reliefs in the nature of arrears of salary should be paid to them within one month of the receipt of a copy of this order."

17. The abovesaid judgment was challenged by the State of Punjab before the Hon'ble Supreme Court and the Division Bench judgment of this Court was upheld in case titled as ***State of Punjab and another Vs. Sardari Lal and others : 2003(10) SCC 253***, while observing as under :-

"*1. In these appeals by the State of Punjab, the common question that arises for consideration is whether the State Government has any power to override the decision of the appropriate authority of the University when such power is not conferred directly upon the State Government under the Statute or any regulation framed thereunder?*

2. The State Government being the authority which funds the University for several purposes sought to rely upon the provisions of Sections 19, 23 and 25 of the Guru Nanak Dev University Amritsar Act, 1969 (for short "the Act") and it was contended that the provisions of the aforesaid sections if read together, it would appear that the State Government retains the power of control, particularly when it relates to the funds being spent by the University for various purposes including the grant of accelerated increment and allowance to its employees.

3. Under the University Statute, Statute 41 deals with the grant of accelerated increment and allowance and power is conferred upon the Syndicate or the Vice Chancellor or the Registrar. The power of the State Government under Section 25 of the Act to get the accounts of the University audited will not include within its sweep any power to nullify a decision of the appropriate authority of the University in the matter of grant of accelerated increment or allowance which has been specifically conferred upon the authorities of the University. The power of the State Government under Section 23 of the Act is to the effect that the State Government may provide such amounts by way of grants for meeting the capital recurring or other expenditure of University as it may deem fit. Merely because the State Government has been conferred power to provide amounts by way of grant for meeting the expenditure of the University will not clothe the State Government any further control in the matter of expenditure or the service condition of the employees which is specifically provided for in the Statute itself and the Statute confers powers on the Vice Chancellor, the Syndicate or the Registrar and not on the State Government. The University is an autonomous body and, *therefore, the State Government will not be entitled to interfere with the internal administration of the University notwithstanding the fact that the State Government is the funding body until and unless the University Statutes provides for the same or there is any Act of Legislation conferring that power on the State Government. In course of arguments, the learned Counsel appearing for the State Government brought to our notice the provisions of Section 10 of the Haryana and Punjab Agricultural Universities Act in support of the contention that since the Vice Chancellor has certain power of control and that power must be held to be with the State Government as the Vice Chancellor exercises that power in aid and advice of the State Government. This provision is not there either in the Statute of the Guru Nanak Dev University or Punjab University. But even for the Haryana and Punjab Agricultural University also the aforesaid power on a plain reading cannot be held to be conferring power on the State Government to take any decision in the internal administration of the University which the Statute itself does not provide. The impugned judgment in C.A. No. 5088/96 clearly indicates that no provision has been pointed out which may show that the Government is entitled to interfere with the internal administration of the University or the grant of benefit to the employees.*

4. Having considered the different provisions of the Act and the Statute which had been placed before us, we are unable to accept the contention raised by the learned Counsel appearing for the State Government that the provisions of Sections 23 and 25 of the Act could be construed to have conferred the power on the State Government in the garb of controlling the funds which the State Government grants for the running of the University, *to have a control over the internal administration of the University. In the aforesaid circumstances, we see no infirmity with the impugned judgments of the High Court to be interfered with by this Court. These appeals accordingly fail and are dismissed."*

18. To the similar effect is the judgment of this Court in ***G.S. Negi's case (supra)***, wherein the benefit of special allowance granted to the employees of the University was ordered to be stopped on the direction of the State Government also. In the said judgment it was held as under :-

> *"4. In Civil Writ Petition No. 4990 of 1985 (Dr. Rai Jasbir Singh and others v. State of Punjab and others,) 1996(1) SCT 571(P&H) decided on 6.11.1995, I had an occasion to consider a similar question involving claim of the petitioners to be paid benefit of arrears of revised pay-scale w.e.f. 1.1.1973. The petitioners who were working as research Assistants were given the benefit of revised grade of Rs. 700-1600 with effect from 1.1.1973 but on the basis of the letter written by the Government to the University, arrears were denied to the petitioners for the period between 1.1.1973 and 8.1.1978. One of the pleas raised by the University was that in the light of the direction given by the Government it could not accept the claim of the petitioners to be given arrears w.e.f. 1.1.1973. After making reference to the provisions of the Guru Nanak Dev University Act, 1969 and the Statutes framed by the University, it has been held:-*
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> > *"From the provisions of the Act and the Statutes it is clear that it is the Syndicate of the University which is empowered to prescribe the pay- scales and allowances etc. payable to the employees who are*

connected with teaching and research work. This being the position, it was not at all justified for the University to have sought sanction from the Government for giving benefit of revised pay-scale to the petitioners with effect from 1.1.1973, particularly when the Syndicate and the Senate of the University had unequivocally resolved to give the benefit of the pay-scale of Rs. 700-1600 with effect from 1.1.1973."

5. In the light of the two decisions, referred to hereinabove, it is held that the Syndicate of the University has acted illegally in rescinding its earlier decision to give special allowance of Rs. 80/- per month to the petitioners. The Resolution (Annexure P-12) passed by the Syndicate amounts to abdication of its authority to the Government and the same is legally unsustainable.

6. For the reasons mentioned above, the writ petition is allowed. Annexure P-12 is quashed. It is declared that the petitioners are entitled to be paid special allowance of Rs. 80/- per month on premise that Resolution (Annexure P-12) was never passed. The respondent-University is directed to pay the consequential monetary benefits to the petitioners within a period of three months of the submission of the certified copy of this order before the Registrar."

19. Even otherwise the posts in the University was equated with that of Punjab Civil Secretariat since 18.12.1979 and more than 44 years have been passed and the said parity has been maintained, therefore, in view of the law laid down in ***Mange Ram's case (supra)***, the parity cannot be disturbed. Further respondents No.1 & 2 were members of the Finance Committee which advises the Syndicate to take decisions including relating to financial benefits to the employees,

therefore, the State Government has no jurisdiction to interfere in the day to day working of the University once the Syndicate has taken the decision to grant parity to its employees with that of employees of the Punjab Civil Secretariat.

20. In view of the above, the instant petitions are allowed and the impugned letters/orders dated 26.08.2019 (Annexure P-7) and 27.12.2019 (Annexure P-10) are hereby set aside. The petitioner(s) shall continue to get the benefit of Secretariat pay.

(NAMIT KUMAR)
JUDGE

16.05.2024
Kothiyal

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No