



CWP-8973-2023 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-8973-2023 (O&M)
Date of Decision :21.10.2024

Harmeem Soch

...Petitioner

Versus

I.K. Gujral, Punjab Technical University, Kapurthala
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Petitioner in person.

Ms. Monica Chhibber Sharma, Advocate with
Mr. Adeep Sharma, Advocate for respondents.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioner is qua the order dated 30.04.2021 (Annexure P/11) passed by the respondents by which, the petitioner has been granted promotion from the post of Associate Professor to the post of Professor under Career Advancement Scheme (CAS) by taking the date of eligibility as 24.01.2017 instead of 30.11.2014.

The grievance of the petitioner is that once, in the said promotion order, it has been mentioned that promotion of the petitioner from the post of Associate Professor to that of Professor will be from the date she fulfilled the eligibility and under CAS employee becomes eligible for promotion after rendering three years of service hence, the promotion of the

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petitioner to the post of Professor under CAS should have been from November 2014 instead of January 2017, which fact has been ignored by the respondents while passing impugned order dated 30.04.2021 (Annexure P/11) and hence, the respondents be directed to grant the petitioner the benefit of promotion to the post of professor with effect from November, 2014 onwards i.e. the date when the petitioner completed three years of service as Associate Professor.

Petitioner, who appears in person submits that the respondents had issued an advertisement in the year 2011 for making selection and appointment to the two posts of Associate Professor in Management. The petitioner competed for the said posts and was ultimately selected and appointed as Associate Professor on 04.10.2011. The next promotion under the CAS from the post of Associate Professor is to the post of Professor, for which, minimum eligibility required is completion of 03 years in service as Associate Professor. The petitioner completed three years service in November, 2014 as she joined in November, 2011 in pursuance to the appointment order dated 04.10.2011. The claim of the petitioner for promotion to the post of Professor was considered by the respondents and ultimately keeping in view the resolution which was passed by the Board of Governance of the respondent-University allowing the petitioner the benefit of promotion under the Career Advancement Scheme, the respondent-University promoted the petitioner as Professor under CAS vide order dated 30.04.2021 w.e.f. 24.01.2017 by treating the said date to be the date on which the petitioner became eligible for promotion to the post of Professor.

The petitioner argues that date of eligibility to be promoted as

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Professor under CAS has wrongly been taken as 24.01.2017 as the petitioner became eligible for promotion under the Career Advancement Scheme on completion of three years of service, which she completed in November, 2014 hence, the impugned order dated 30.04.2021 (Annexure P/11) needs to be amended so as to make promotion of the petitioner to the post of Professor w.e.f. November, 2014 instead of January, 2017.

Upon notice of motion, the respondents have filed reply wherein, it has been mentioned that post of Associate Professor was advertised under the IIM norms and hence, the petitioner will only be entitled for promotion under the IIM norms only but under the IIM norms a post of Professor cannot be filled by way of promotion and the same has to be filled by way of direct recruitment and hence, the claim of the petitioner for promotion to the post of Professor w.e.f. 30.11.2014 is totally misplaced.

Learned counsel for the respondent-University submits that the applicability of IIM norms was taken off from the case of the petitioner by the Board of Governance in its 57th and 58th meeting and it was only after applying Career Advancement Scheme upon the petitioner, she was ultimately granted promotion to the post of Professor under CAS vide order dated 30.04.2021 but her date of eligibility should remain 24.01.2017 as from the said date the petitioner was given pay scale under the UGC norms.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

From the facts which have been noticed hereinbefore, it is clear that the petitioner was appointed as Associate Professor vide appointment order dated 04.10.2011 (Annexure P/1) under the terms and conditions,



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which are applicable to the Punjab Technical University. In the said appointment order, there is no mention that the petitioner is being appointed under the IIM Norms. On being asked to point out any clause/term in the appointment order of the petitioner that the petitioner is governed under the IIM Norms, learned counsel for the respondents has not been able to point out any such terms and condition in the appointment order, which has been made a ground to deny the petitioner the benefit of promotion as Professor w.e.f. 2014.

Further, as per the respondents themselves in case, IIM norms are made applicable upon the petitioner, then, the post of Professor cannot be filled by way of promotion and the same has to be filled by way of direct recruitment only whereas, in the present case, petitioner has been promoted to the post of Professor on 30.04.2021 vide Annexure P/11. Once, the respondents have promoted the petitioner to the post of professor, the respondents themselves have conceded the fact that IIM norms are not being made applicable upon the petitioner. Once the petitioner is not promoted as Professor under IIM norms, how can her eligibility be determined IIM norms. Learned counsel for the respondent-University has not been able to answer the same.

Further, the respondents have already conceded that the Board of Governance, which is the highest body of the respondent-University, have already allowed the benefit of promotion to the petitioner under the Career Advancement Scheme, which has been implemented qua the petitioner which fact is also clear from the order dated 30.04.2021 (Annexure P/11) and has been a conceded fact before this Court. Once, the petitioner has



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been promoted under the Career Advancement Scheme as Professor, the same scheme has to be made applicable upon the petitioner to determine her eligibility also qua the promotion to the post of Professor.

Learned counsel for the respondent-University has not been able to rebut the fact that in case, the Career Advancement Scheme is made applicable upon the petitioner for promotion as Professor, which scheme has been actually made applicable as per the order dated 30.04.2021 promoting the petitioner to the post of Professor, the eligibility criteria is 03 years experience as Associate Professor. Hence, the date of eligibility of the petitioner which the respondents have decided to be 24.01.2017, the same has to be 30.11.2014 i.e. on the date when the petitioner completed three years in service as Associate Professor. Once, the Career Advancement Scheme has been made applicable upon the petitioner for all intent and purposes which is also the decision of the highest body of the University i.e. Board of Governance, the same has to be implemented in totality and not in piecemeal and hence, the impugned order dated 30.04.2021 (Annexure P/11) fixing the date of promotion as Professor from the date of eligibility i.e. 27.01.2017 needs to be modified and is accordingly modified to the extent that the petitioner is granted promotion to the post of Professor in the pay scale as mentioned therein under CAS w.e.f. 30.11.2014 instead of 27.01.2017 for all intent and purposes.

For arrears, for which, the petitioner becomes entitled for keeping in view the fact her appointment as professor is to be treated from 30.11.2014, the same be also released to her within a period of eight weeks of the receipt of the copy of this order.



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Further argument raised by the petitioner is that as the petitioner before joining the respondent-University was also working in the Guru Nanak Dev University, which service started prior to 01.01.2004 hence, the petitioner should also be treated under the Old Pension Scheme.

The said argument of the petitioner cannot be accepted as once, a fresh appointment was given to the petitioner by the Punjab Technical University in the year 2011, the service rendered under the Punjab Technical University has to be taken into account from the date the petitioner was appointed i.e. 30.11.2011. On the said date, E.P.F scheme was in operation, which scheme has rightly been made applicable upon the petitioner hence, there is no reason to differ with the respondent-University so as to make GPF scheme applicable upon the petitioner. The petitioner will be entitled for benefits under EPF scheme from the date she joined the respondent-University and in case, her EPF has not been deducted by the respondent-University, the arrears which needs to be deposited by the petitioner will be informed to her by the respondent-University within a period of 08 weeks from the date of receipt of copy of this order and the petitioner will deposit the said arrears within a period of 03 months thereafter.

At this stage, the petitioner submits that benefit which is being claimed by the petitioner with regard to the applicability of Old Pension Scheme has been made applicable by the respondents qua the other employees, who are similarly situated as petitioner.

In case, the petitioner has any grievance qua applicability of Old Pension Scheme, she can file an appropriate representation with the respondent-University and the respondent-University is directed that in case,



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any employee, who is similarly situated as the petitioner, has been granted the said benefit, the same be granted to her so as to avoid discrimination between the similarly situated employees and the petitioner though, the said benefit is being declined by this Court in this order.

The present petition is allowed in above terms.

Civil miscellaneous application pending, if any, is also disposed of.

October 21, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No