

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM No.14867-68 of 2023 in/and
CWP No.18369 of 2016
Date of Decision : 16.1.2024

Dr. Surender Dahiya *Petitioner*

versus

State of Haryana and others *Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.K. Malik, Advocate, for the petitioner

Mr. Ravi Pratap Singh, DAG, Haryana

Mr. R. K. Ravesh, Advocate, for respondent no.2/University

TRIBHUVAN DAHIYA J. (ORAL):

CM No.14867 of 2023

Application is allowed. Copies of Judgments/orders are taken
on record as Annexures P-30 to P-35.

CM No.14868 of 2023

This is an application for disposal of the present petition.

Notice of the application.

Learned counsel for the respondents accept notice.

With the consent of the parties, the date of hearing of the main
case is advanced to today and the same is taken-up on Board.

Application stands disposed of.

CWP No.18369 of 2016

Learned counsel for the University does not dispute that the

issue raised in the instant petition stands decided in favour of the petitioner vide judgment dated 29.4.2019, rendered in CWP No.611 of 2016 titled *Dr. Anil Kumar Narwal v. Deenbandhu Chhotu Ram University of science and Technology, Murthal*, holding as under:

In the present case, perusal of the instructions dated 29.3.2013 (Annexure R-8) shows that with respect to counting of past service benefit, clarification was sought from the Government that whether previous regular service at national or International as Assistant Professor, Associate Professor or Professor or equivalent in a University, College, National Laboratories or other scientific/ professional organisations such as the CSIR, ICAR, DRDO, UGC, ICSSR, ICHR, ICMR, DBT etc. funded by State/Central Government should be counted for direct recruitment and promotion under CAS of a teacher as Assistant Professor, Associate Professor, Professor or any other nomenclature. It has been clarified that no distinction should be made whether previous service was rendered in a private local body or Government. Hence, in the present case the judgment of **Amita Rani's case (supra)** is directly applicable to the case of the petitioner where the University has protected the pay of the petitioner and the pay protection has also been granted in view of the instructions dated 29.3.2013 (Annexure R-8), the benefit of past service cannot be denied for the purpose of Career Advancement Scheme as per the notification dated 30.1.2004 (Annexure P-10).

The writ petition is allowed. The respondent-University is directed to grant the benefit to the petitioner and inform this Court within four months.

2. Letters Patent Appeal No.1590 of 2019 titled *Deenbandhu Chhotu Ram University of Science and Technology v. Anil Kumar Narwal*, filed against the judgment dated 29.4.2019, was dismissed as infructuous by the Division Bench vide order dated 9.8.2023, Annexure P-31.

3. In view thereof, the instant petition is allowed in terms of the

judgment dated 29.4.2019, directing the University to grant selection grade to the petitioner with effect from 1.8.2006, i.e., on completion of ten years' service as Lecturer, alongwith all consequential benefits.

(TRIBHUVAN DAHIYA)
JUDGE

16.1.2024
Ashwani

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No