

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210 LPA-829-2017 (O&M)
Date of decision: 20.02.2024

Chaudhary Charan Singh, Haryana Agricultural University, Hisar

...Appellant

Versus

Dr. Yogender Kumar Yadav and another

...Respondents

CORAM: HON'BLE MR.JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR.JUSTICE VIKAS SURI

Present: None for the appellant.

Mr. Jai Vir Yadav, Sr. Advocate with
Mr. Tarun Yadav, Advocate for respondent No.1.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Counsel for the appellant has been informed consistently, but remains absent from arguing the case.
2. Learned counsel for respondent No.1 has invited attention to the rule governing CAS Clause 6.4 for carrier advancement scheme for promotion to the post of Professor and submits that as per Clause 6.4(ii), the service rendered on an equal or higher position in any Government University, college, institute “on leave without pay” would be counted for computing the 08 years period and thus the period spent by the petitioner as Associate Professor at Allahabad University during the period from 08.07.2002 to 17.12.2004 would have to be counted for the purpose of computation of 08 years and thus the promotion granted to the appellant on the post of Professor w.e.f. 18.06.2008 deserves to be preponed w.e.f. 09.02.2007. Learned counsel has invited attention to the detailed

judgment passed by the Single Bench of this Court and submits that no interference is warranted.

3. We have considered the submissions.

4. We find that the Single Bench after taking into consideration the provisions of Clause 6.4 has observed as under:-

“Crux of the issue in the present matter is whether the petitioner fulfils the requisite qualification required for the post of Professor under the Statutes regarding Career Advancement for Teachers particularly in Clause 6.4 read with the further amendments on 7.7.2003 and 13.04.2006 or not? Clause 6.4 is crystal clear that for the purpose of promotion to the post of Professor an Associate Professor must have certain qualification which has been prescribed in Clause 6.4 at the same time 6.4(ii) reads as under:-

“(ii) completed 8 years service as Associate Professor (directly recruited as well as promoted).”

Having regards to the above Clause which has not been amended on 07.07.2003 or on 13.04.2006 vide Annexure P-2 and P-5 respectively and Clause 6.4 (ii) is intact and it has not been amended thus the computation of extra ordinary leave for the period of 3 years and for waiver of such extra ordinary leave for 08 years service as Associate Professor is required to be taken into consideration. In the present case only after 09.02.1999 the date on which the petitioner was promoted to the post of Associate Professor is required to be taken. In other words 08 years of service is required to be counted from 09.02.1999 while excluding 03 years of extra ordinary leave. Thus in the present case, the extra ordinary leave availed by the petitioner while he was appointed as a Professor in Allahabad University during the period from 08.07.2002 to 17.12.2004 is required to be taken into consideration and not the extra ordinary leave availed by the petitioner during the period from 08.07.1995 to 06.06.1997 while working as a reader in Tezur University Assam for the reasons that during the said period the petitioner was holding the post of

Assistant Professor and not Associate Professor.

In view of these facts and circumstances Annexure P-8 dated 17.07.2010 and Annexure P-10 dated 06.03.2012 are set aside.

The respondents are directed to redetermine the date of promotion of the petitioner to the post of Professor with effect from 09.02.2007. Such exercise shall be completed by the concerned respondent while extending all service benefits including monitory benefits within a period of three months from today .

CWP stands allowed.”

5. The judgment passed by the Single Bench cannot be said in any manner to be contrary to the provisions of law as well as the arguments advanced. In view thereof, no interference is warranted. The instant appeal is accordingly dismissed.
6. Pending application(s), if any stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(VIKAS SURI)
JUDGE

20.02.2024
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No