



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CWP No. 5669 of 2017 (O&M)
Date of Decision : 10.09.2024

Pankaj Mishra and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.C. Arora, Advocate for the petitioners.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioners is that the petitioners are working as Guest Faculty Lecturer in a Government College but the benefit of Notification of the Government dated 15.12.2011 (Annexure P-2), is not being extended to them, according to which, ₹10,000/- consolidated salary is to be paid to the petitioners with 10% increase annually.

2. Learned counsel for the petitioners submits that the petitioners are working with the respondent-State from the year 2005 and they were being paid a consolidated salary of ₹7,000/-, which has now been increased to ₹10,000/- by the said Notification, however the enhanced salary has not been given to them despite being given to similarly situated employees in different Government Colleges, which is arbitrary and illegal. Learned counsel submits that the petitioners are entitled for the same benefit of the



Notification of the Government dated 15.12.2011 (Annexure P-2) with all consequential benefits.

3. Upon notice of motion, the respondents have filed the reply, wherein, it has been mentioned that the petitioners are not the employees of the Government but are the employees of the Higher Education Institute Society of S.R. Government College (Women), Amritsar and there is no master and servant relationship between the petitioners and the Government, hence, the benefit of Notification dated 15.12.2011 (Annexure P-2) cannot be extended to the petitioners.

4. Learned counsel for the respondents further submits that the employees working in the Higher Education Institute Society of S.R. Government College (Women), Amritsar are not working against a Civil Post, hence, the benefit being sought by the petitioners is liable to be rejected.

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

6. The primary question to be adjudicated before adverting to the claim of the petitioners is, whether the petitioners are employees of Government of Punjab or the Higher Education Institute Society concerned.

7. Learned counsel for the petitioners has not been able to show any order by which the State of Punjab has appointed the petitioners as Guest Faculty Lecturer. Further, the averments that the petitioners are the employees of the Society, have gone un-rebutted at the hands of the petitioners. Once, the petitioners are not the employees of the Government but are the employees of the Society, which Society has been created under



the Parent Teacher Association, it is to adjudicated whether the petitioners can claim the benefit of Notification dated 15.12.2011 (Annexure P-2).

8. As per Notification dated 15.12.2011 (Annexure P-2), the State has taken a decision to grant a minimum consolidated salary to Guest Faculties of ₹10,000/- with 10% increase annually. The said decision will only be applicable to the Guest Faculty Lecturer of the Govt. of Punjab and not to any Society over and above the strength appointed by the State in a particular College. The petitioners have never been appointed by the Government so as to be entitled for the benefit of any decision, which the Government extends to its appointees, hence, the claim of the petitioners that they should be paid ₹10,000/- per month with 10% annual increase despite being the employees of the Society, cannot be accepted.

9. Further, a Co-ordinate Bench of this Court in CWP No. 19001 of 2015 titled as *Sudhanshu Gauba Vs. State of Punjab and others*, decided on 01.04.2021 and other connected cases has decided, the question whether the employees working in the Higher Education Institute Society are the employees of the State or not. The Co-ordinate Bench has held that the employees working in the Society are not entitled for minimum of the pay scale also keeping in view the fact that there is no master and servant relationship between the Government and the employees working in the Society.

10. Once, the said finding has been recorded by the Co-ordinate Bench, any other decision of the Government with regard to the Government employees, cannot be made applicable upon the employees of the Society.



11. Further, the claim of the petitioners is that they should be given salary for a period of 12 months and not 10 months, it may be noticed that the said direction can be given by the Court to an employee who is the Government employee and not to an employee of a private society. Once the private society has engaged the particular employee, the said employee cannot be treated as an employee of the State to grant the benefit. In case, the petitioners are aggrieved in any manner qua the grant of 10 months salary instead of 12 months, the petitioners can avail appropriate remedy before the appropriate forum.

12. No ground is made out for any interference by this Court in the present petition.

13. Dismissed.

14. Pending miscellaneous application, if any, also stands disposed of.

September 10, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No