



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CWP-1059-2000

Decided On: 05.05.2025

KAPUR SINGH

....PETITIONER(s)

Versus

STATE OF HARYANA AND ANOTHER

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Anu Pal, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Amit Rao, Advocate for

Mr. Anurag Goyal, Advocate for respondent no.2/University.

TRIBHUVAN DAHIYAJ.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to grant the petitioner pay scale of ₹4500-7300, revised to ₹16400-22400, with effect from 01.01.1996, as he is working as Director of Sports in the respondent-University which entitles him to the scale as per the University Grants Commission (UGC) Regulations.

2. Facts relevant to decide the matter are, the petitioner was appointed as Sports Officer-cum-Director Physical Education (DPE) vide letter dated 02.08.1976, Annexure P-1. And the Executive Council vide its Resolution passed on 03.08.1989, decided to approve the recommendation that the petitioner's pay scale be revised from ₹1200-1900 to ₹3700-5700 with effect from 01.01.1986, in terms of the letter received from Commissioner and Secretary to Government of Haryana, Education Department, dated 08.03.1989. However, this scale of pay had been prescribed for the lower post of Deputy Director Physical Education (Deputy DPE) as per recommendations of the fourth pay commission.



2.1. Pay scale for the post of DPE, held by the petitioner, was revised by the Government with effect from 01.01.1986 as per details given in Annexure P-19, which are to the following effect:

Revised pay scales of Physical Education Personnel in Universities and Colleges from 01.01.1986

Description		Existing scale of pay	Revised scale of pay
A. Universities			
1 to 4	xxx	xxx	xxx
5.	Director of Physical Education	1500-2500	4500-150-5700-200-7300

2.2. The UGC issued another notification dated 19.10.1995, Annexure P-14, notifying ‘the Universities Grants Commission (Qualifications required of the persons to be appointed to the post of Assistant Director, Deputy Director and Director of Physical Education and Sports in Universities, Colleges and Institutions affiliated to it) Regulations, 1995’ (for short, ‘the 1995 Regulations’). Designations, qualifications and pay scales were provided for various posts in the Universities and Colleges with effect from 19.10.1995, and for the post of Deputy Director Physical Education and Sports (Deputy DPES) and Director of Physical Education and Sports (DPES), the following pay scales were prescribed:

Designations, Qualifications and Pay Scales:

- (a) to (c) xxx xxx xxx
- (d) University Deputy/DPES/College DPES (Reader’s Scale) (Rs.3700-125-4950-150-5700) Direct Entry
- (i) to (vi) xxx xxx xxx
- (e) University DPES (Rs.4500-150-5700-200-7300)



(i) to (vii) xxx xxx xxx

2.3. The University vide notification dated 23.07.1993, Annexure P-5, changed the designation for the post of Sports Officer-cum-Director Physical Education (held by the petitioner) to that of Director of Sports in the existing pay scale of the incumbent of the post and his own pay scale, without involving any additional financial liability. Later, the University vide letter dated 12.11.1997, Annexure P-15, requested Director, Higher Education, to approve revision of pay scale for the post of Director of Sports from ₹3700-5700 to ₹4500-7300, based upon the UGC Regulations. This was for the reason the petitioner was holding the post of DPE but had been given the lower scale meant for the post of Deputy DPE, and his counterparts in various other Universities in the State had been given the revised scale of DPE. The approval was sought since the grant of higher pay scale to the petitioner entailed financial liability, and the Government's prior approval was mandatory in terms of Section 9-F of the Maharshi Dayanand University Act, 1975. It was, however, not approved by the Government even after lapse of two years which led to filing of the instant petition.

3. Ms. Anu Pal, learned counsel for the petitioner, contended that the petitioner had been holding the post of DPE in the University, which was later re-designated as Director of Sports in his own pay scale. As per the UGC Regulations, dated 19.10.1995, pay scale for the post of DPE was ₹4500-7300, which could not have been denied to him once the UGC recommendation had been accepted by the Government. Also, while working as DPE he could not have been given the pay scale meant for the post of Deputy DPE. The University itself had recommended higher pay scale for the post of DPE held by the petitioner, and there was no basis to reject the same.



4. *Per contra*, Mr. Harish Nain, learned State counsel, contends that the claim has been rightly rejected since the UGC notification, dated 19.10.1995, is for the post of Assistant Director, Deputy Director and Director of Physical Education & Sports in the teaching Department of Physical Education; whereas the petitioner has worked as Sports Officer-cum-Director Physical Education in the Sports Department which is a non-teaching Department, separate from the Department of Physical Education. Accordingly, there is no basis to claim the scale of pay meant for teaching post of DPE while working on a non-teaching post. No other argument has been raised, and learned State counsel does not dispute that the said notification stands accepted by the Government.

5. Submissions made by learned counsel for the parties have been considered.

6. It remains undisputed on record that the petitioner was appointed as Sports Officer-cum-Director Physical Education vide letter dated 02.08.1976; it was a non-teaching post. His designation was changed to that of Director of Sports by the University vide notification dated 23.07.1993. Concededly, the UGC notification, dated 19.10.1995, regarding the 1995 Regulations is applicable to the respondents, whereunder pay scale of ₹4500-7300 has been prescribed for the post of Director Physical Education and Sports in the University. Once the petitioner had been holding the post of Director Physical Education, which was known as Sports Officer-cum-DPE in the University, there was no reason why the prescribed scale for this post, as aforementioned, should not have been given to him. The only objection taken to it by the respondents is that the post held by the petitioner is a non-teaching post, for which he cannot be given the pay scale prescribed for a teaching



post. However, the 1995 Regulations explicitly provide the pay scale of ₹4500-7300 for the post of Director Physical Education and Sports in Universities, Colleges and the affiliated Institutions, without specifying that the post is exclusively for their teaching departments. Besides, it is not the respondents' case that any other scale of pay has been prescribed for the post either by the Government or the UGC by considering it as a non-teaching post. Consequently, the reason for rejecting the petitioner's claim is arbitrary, and unsustainable.

7. In view thereof, the petition stands allowed, and the petitioner is held entitled to the pay scale of ₹4500-7300 (or the corresponding revised scale of pay) with effect from 01.01.1996, as also the consequential revised scales of pay as well as pensionary benefits. The respondents are, accordingly, directed to revise the petitioner's pay as well as pensionary benefits, and release him the arrears accruing on that account with interest at the rate of seven per cent per annum from the due date to the date of actual payment. The directions shall be carried out within four weeks of receiving a certified copy of the order. Thereafter, the respondents shall be liable to pay interest at the rate of twelve per cent per annum on the due amount which will be recoverable from the officer(s) and/or official(s) responsible for violation of the directions.

05.05.2025

Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No