



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Sr. No.215

CWP-12952-2001 (O&M)
Date of Decision: 22.09.2025

B.K. Vashist and others

.... Petitioners

Versus

Kurukshetra University, Kurukshetra and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R.K. Malik, Senior Advocate, with
Mr. Anshul Labana, Advocate, for the petitioners.

Mr. A.S. Virk, Advocate, for respondent no.1.

Mr. Amit Sahni, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed against the University's decision to withdraw the benefit of Professor's grade granted to petitioners no. 1 to 3 from 01.04.1994, 02.04.1994 and 26.05.1994, respectively; as also to recover the amount of salary paid to them pursuant thereto. Further, a direction has been sought to the University to fix the petitioners' pay in the pay scale meant for the post of Professor.

2. Learned senior counsel contended that the Executive Council (EC) of the University in its meeting, dated 31.03.1983, decided to introduce Personal Promotion Scheme for teachers. It prescribes that a teacher having at least ten years' teaching experience as a Reader in a University, of which at least five years should be in the concerned teaching department, will be eligible for promotion as Professor. The Scheme was amended by the EC in its meeting, dated 28.10.1992, by reducing the aforesaid teaching experience as Reader from ten to eight years, to be eligible for promotion as Professor. Petitioners no.1 to 3 were, accordingly, considered and promoted as Professors vide letters dated 31.03.1994, 26.04.1994 and 26.05.1994, Annexure P-3 to P-5,



respectively. The State Government later amended Section 12-A of the Kurukshetra University Act, 1986, vide notification dated 20.07.1994, Annexure P-6, requiring that the University shall not create any teaching and non-teaching post or revise the pay scales of the teaching and non-teaching employees without obtaining prior approval of the Government. It is claimed that relying upon the amendment, the benefit of promotion as Professor given to the petitioners was withdrawn and recovery of the excess amount was also effected. This was in violation of the Principles of Natural Justice, as no opportunity of hearing was granted to them prior thereto. Besides, no reasons have been conveyed for non-grant of the benefit. This makes the decision arbitrary, and unsustainable in law.

3. Learned counsel for the University, on the contrary, submits that the Personal Promotion Scheme was approved by the State Government on 08.03.1989. Accordingly, the proposed amendment to the Scheme reducing the teaching experience as Reader from ten to eight years was also required to be approved by the Government; the Government, however, did not approve the Scheme. And the University had no option but to fix the petitioners' pay as per the original Scheme. Besides, petitioners no.1 and 3 were duly informed vide letters dated 03.06.1994 and 30.11.1994, Annexures R-1 and R-2, respectively, that their promotion as Professor was provisional, subject to approval of their cases by the Government, as the amended guidelines for the Scheme were still to be approved. So far as petitioner no.2 is concerned, he had already availed the selection grade under the Career Advancement Scheme (CAS), and later requested for his promotion under the Personal Promotion Scheme. Therefore, he could not have availed the benefit of both the schemes. In response to a communication dated 08.04.1994, Annexure R-3, he submitted a letter dated 11.04.1994, Annexure R-4, forgoing the benefit of selection grade under CAS, and opted for the post of Professor under the Personal Promotion Scheme.



3.1. Further, learned counsel for the University has referred to the averments in the written statement regarding constitution of a standing committee and its recommendations that the petitioners' promotion to the post of Professor be given effect to from the date they completed ten years of service. The averments to that effect are the following:

7. In reply to this para it is correct that letters Annexure P-7 and P-8 were issued by the State Government. It is pointed out that since the State government was requested by the respondent-university to regularise the amendment made in its original personal promotion scheme reducing the teaching experience from 10 to 8 years for a Reader for his promotion to the post of Professor, the State Government constituted a Standing Committee and the said Committee recommended that the promotion of the Readers promoted with 8 years experience instead of 10 years, should be given effect from the date they put in 10 years for the purpose of grant of Professor's scale and that the period from the date they were provisionally promoted as Professors after having put in 8 years service upto the date they completed 10 years service as Reader, they should be deemed to have been promoted as Professors in their own pay scale and the excess amount so paid to them, be recovered. The recommendations of the said committee were approved by the State Government and accordingly the petitioners were fixed in the Professor's scale on completion of 10 years service as against 8 years as Reader. So, the action of the respondent-university is in consonance with the policy of the State Government.

Accordingly, the designation of Professor was not withdrawn from the petitioners and they were allowed to continue as such in their own pay scale of Reader till completion of ten years of teaching experience. Therefore, no illegality has been committed by the University.

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



5. The assertions on behalf of the University have not been disputed by the petitioners by filing any counter affidavit or placing any other document on record.
6. In view thereof, there is no denying the fact that original Personal Promotion Scheme was approved by the Government on 08.03.1989, and any subsequent amendment thereto also required the Government’s approval, which was never granted. It also remains undisputed that on account of non-approval of the Scheme the petitioners were conveyed that their promotion as Professor and payment of salary on the promoted post was only provisional. Those letters have not been challenged by the petitioners. Further, decision of the standing committee that they would be deemed to have been promoted as Professor in their own pay scale till attaining ten years experience as Reader, and the excess amount paid to them would be recovered, has also not been challenged by them. Accordingly, in terms of the committee’s decision, the petitioners’ pay was fixed in their own pay scale as Reader till promotion as Professors on completion of ten years service. Since they did not challenge the orders/letters giving them provisional promotion, nor did they challenge the committee’s decisions as aforementioned, they cannot be held entitled to the Professor’s grade from the date of initial promotion, and no exception can be taken to the impugned orders.
7. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

22.09.2025
Maninder

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