



LPA-1102-2024 and other connected cases :1:

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

122+287 (15 cases)

**1. LPA-1102-2024 (O&M)
Date of decision : 22.04.2025**

**SANT LONGOWAL INSTITUTE OF ENGINEERING AND
TECHNOLOGY, LONGOWAL**
..... Appellant

VERSUS

RANJIT SINGH
..... Respondent

2. LPA-1104-2024 (O&M)

**SANT LONGOWAL INSTITUTE OF ENGINEERING AND
TECHNOLOGY, LONGOWAL**
..... Appellant

VERSUS

RITU MOHAN
..... Respondent

3. LPA-1184-2024 (O&M)

**SANT LONGOWAL INSTITUTE OF ENGINEERING AND
TECHNOLOGY, LONGOWAL**
..... Appellant

VERSUS

SHILPA SINGLA
..... Respondent

4. LPA-1193-2024 (O&M)

**SANT LONGOWAL INSTITUTE OF ENGINEERING AND
TECHNOLOGY, LONGOWAL**
..... Appellant

VERSUS

DEVINDER SINGH AND ANOTHER
..... Respondents

5. LPA-1185-2024 (O&M)

**SANT LONGOWAL INSTITUTE OF ENGINEERING AND
TECHNOLOGY, LONGOWAL**
..... Appellant

VERSUS

PRABHJOT SINGH AND OTHERS



LPA-1102-2024 and other connected cases :2:
..... Respondents

6. LPA-1188-2024 (O&M)
SANT LONGOWAL INSTITUTE OF ENGINEERING AND TECHNOLOGY, LONGOWAL
..... Appellant
VERSUS
GAGANDEEP GOYAL AND OTHERS
..... Respondents

7. LPA-1190-2024 (O&M)
SANT LONGOWAL INSTITUTE OF ENGINEERING AND TECHNOLOGY LONGOWAL
..... Appellant
VERSUS
VIPAN KUSLA AND OTHERS
..... Respondents

8. LPA-1203-2024 (O&M)
SANT LONGOWAL INSTITUTE OF ENGINEERING AND TECHNOLOGY LONGOWAL
..... Appellant
VERSUS
NAVNEET GOYAL AND OTHERS
..... Respondents

9. LPA-1248-2024 (O&M)
SANT LONGOWAL INSTITUTE OF ENGINEERING AND TECHNOLOGY LONGOWAL
..... Appellant
VERSUS
PARVEEN KUMAR AND OTHERS
..... Respondents

10. LPA-1249-2024 (O&M)
SANT LONGOWAL INSTITUTE OF ENGINEERING AND TECHNOLOGY, LONGOWAL
..... Appellant
VERSUS
RAJESH KUMAR PATHAK AND OTHERS
..... Respondents



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11. LPA-1254-2024 (O&M)
SANT LONGOWAL INSTITUTE OF ENGINEERING AND TECHNOLOGY, LONGOWAL
VERSUS Appellant

NIRPINDER JAIN
..... Respondent

12. LPA-1303-2024 (O&M)
SANT LONGOWAL INSTITUTE OF ENGINEERING AND TECHNOLOGY, LONGOWAL
VERSUS Appellant

VINOD KUMAR SINGH
..... Respondent

13. LPA-433-2024 (O&M)
NATIONAL INSTITUTE OF TECHNOLOGY, KURUKSHETRA AND ANOTHER
VERSUS Appellants

AMIT GOYAL AND OTHERS
..... Respondents

14. LPA-435-2024 (O&M)
BOARD OF GOVERNORS, NATIONAL INSTITUTE OF TECHNOLOGY, KURUKSHETRA AND ANOTHER
VERSUS Appellants

MEENU SAINI AND OTHERS
..... Respondents

15. LPA-962-2024 (O&M)
NATIONAL INSTITUTE OF TECHNOLOGY, KURUKSHETRA
VERSUS Appellant

CHHAYA TOMAR
..... Respondent



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**CORAM : HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present :- Mr. Vivek Singla, Advocate and
Mr. Amarjit Singh Virk, Advocate
for the appellant(s).

Mr. Vivek Gupta, Advocate (through VC)
for respondent(s) in LPA-1184-2024,
LPA-1248-2024 and LPA-1249-2024.

Mr. Rishab Kumar Jain, Advocate
for respondent(s) in LPA-1254-2024.

Mr. R. M. Sharma, Advocate
for the respondent(s) in LPA-1102-2024.

Mr. Tejpal Singh Dhull, Advocate for
respondent(s) in LPA-433-2024 and
LPA-962-2024.

Mr. D. S. Rawat, Advocate
for respondents No.1, 2 and 7
in LPA-1185-2024.

Mr. Satrthak Gupta, Advocate
for respondents No.1 to 5 and 7 in LPA-1190-2024,
for respondents No.1, 2, 3, 6 and 9 in LPA-1188-2024,
for respondent in LPA-1104-2024 and
for respondents No.1 to 8, 10 to 13 in LPA-1303-2024.

Mr. Gopal Singh Nehal, Advocate
for respondent No.1 in LPA-1193-2024.

Mr. R. M. Sharma, Advocate
for the respondents in LPA-1203-2024.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. By this common order, 15 appeals, the details of which have been given in the heading, are being decided as these appeals involve the same question of law on similar facts.

2. Issue raised in these cases is only with regard to the directions



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issued by the learned Single Judge granting the minimum of the pay scale of Assistant Professors alongwith the dearness allowance.

3. Learned counsel appearing for the National Institute of Technology, Kurukshetra and the learned counsel appearing for Sant Longowal Institute of Engineering Technology have argued their cases separately, and therefore, for the purpose of clarity, we have noted their arguments separately as under:-

4. Mr. Amarjeet Singh, Advocate appearing for the National Institute of Technology, Kurukshetra, has submitted that the respondents in the present appeals were appointed on fixed salary basis and the qualification for appointment on temporary basis was reduced by the management to M. Tech., although the minimum qualification required for an Assistant Professor is Ph.D. Those who have acquired Ph.D. qualification, have already been granted the minimum of the pay scale alongwith the dearness allowance. However, he submits that the present respondents are a class apart, and as per their educational qualifications, which is less than Ph.D., they cannot be placed in the same as those bracket who have passed Ph.D. He further submits that even in **LPA-437 of 2024 titled 'Board of Governor, National Institute of Technology, Kurukshetra and others Vs. Abhishek Kamboj and others'**, the benefit was extended to Sunil Sharma by this Court on the basis of his acquiring Ph.D. qualification. He, therefore, further submits that the present respondents in the LPAs, can be allowed only minimum of the pay scale but there is no justification to give them the benefit of the Resolution passed by the Board of Governors, which also granted them additional dearness allowance.

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5. Learned counsel Mr. Vivek Singla, appearing for Sant Longowal Institute of Engineering Technology, submits that the respondents working in their institute, were also appointed on fixed salary basis and there is no resolution passed by the Board of Governors to grant them additional dearness allowance. He submits that the qualifications acquired by the respondents do not entitle them any benefit of additional dearness allowances and the judgment of **Bahadur Singh and others Vs. Jaspreet Kaur Talwar and others, 2022 INSC 830, decided on 16.08.2022** would have no application to the case as the orders were passed in contempt proceedings and would not apply. He further relies on the judgment passed by Full Bench of this Court in **LPA No.733 of 2024 titled 'State of Haryana and others Vs. Kalyan Singh and others', decided on 30.04.2024, which** distinguished the **Bahadur Singh's case (supra)** and held that the benefit of the entitlement of dearness allowance will not be applicable and that the amount payable can only be the minimum of the pay scale, not including the dearness allowance. He, therefore, submits that the cases relating to the Professors working in Sant Longowal Institute can not be considered differently from those who were working with the National Technology, Kurukshetra.

6. We have given our thoughtful consideration to the aforesaid aspects and noticed that in **Bahadur Singh's case (supra)** the Supreme Court held as under:-

“3. Paragraph 55 of the decision in Jagjit Singh (supra) was to the following effect:

*“55. In view of all our above conclusions, the decision rendered by the Full Bench of the High Court in **Avtar***



Singh v. State of Punjab [Avtar Singh v. State of Punjab, 2011 SCC OnLine P&H 15326 : ILR (2013) 1 P&H 566] , dated 11-11-2011, is liable to be set aside, and the same is hereby set aside. The decision rendered by the Division Bench of the High Court in *State of Punjab v. Rajinder Singh [State of Punjab v. Rajinder Singh, 2009 SCC OnLine P&H 125]* is also liable to be set aside, and the same is also hereby set aside. We affirm the decision rendered in *State of Punjab v. Rajinder Kumar [State of Punjab v. Rajinder Kumar, 2010 SCC OnLine P&H 13009]*, with the modification that the employees concerned would be entitled to the minimum of the pay scale, of the category to which they belong, but would not be entitled to allowances attached to the posts held by them.”

4. Notably, the expression “pay” was considered by this Court in *Contempt Petition (Civil) Nos.699-700 of 2015, Tej Singh and Others v. Sarvesh Kaushal and Ors., arising out of decision dated 11.05.2015 in Grah Rakshak, Home Guards Wel. Asso. v. State of H.P. & Others and connected matters, Civil Appeal No.2759 of 2015 Etc.* In its order dated 04.05.2016 passed in said Contempt Petitions, this Court observed:

“After hearing learned counsel for the parties, we are of the opinion that the expression “minimum of the pay” mentioned in paragraph 22 is intended to mean not only the basic pay + grade pay, but also the dearness allowance that comes along with the basic pay and grade pay. This is in the context of the view expressed by this Court denying regular appointments to the petitioners, while taking into consideration the fact that the services of the Home Guards are used during an emergency and for other purposes and at the time of their duty they are



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empowered with the power of police personnel.

Accordingly, we make it clear that the word “minimum of the pay” used in paragraph 22 of the judgment and order dated 11th March, 2015 means the basic pay + grade pay + dearness allowances + washing allowance.”

5. *It is a matter of record that so far as the basic pay is concerned, the contempt petitioners have been paid the requisite amounts. However, it is submitted that the amounts towards Dearness Allowance as was accepted by this Court in its order dated 04.05.2016 have not been made over to the contempt petitioners.”*

7. Accordingly, the Supreme Court disposed of the contempt petition with directions that as under:-

“7. It is, therefore, directed that the amounts payable to all the contempt petitioners towards Dearness Allowance shall be made over to them within six weeks from today.”

8. The contention of the learned counsel regarding the aforesaid directions having been passed by Hon'ble the Supreme Court while exercising contempt jurisdiction is found to be wholly misconceived. An order passed by the Supreme Court and that too by a larger Bench cannot be ignored in the manner as has been proposed by the learned counsel.

9. We have noticed that not only Hon'ble the Apex Court did fully take into consideration the judgment passed in **State of Punjab and others vs. Jagjit Singh and others, (2017) 1 SCC 148** but also took into consideration its earlier orders passed relating to the expression of minimum of the pay. Even otherwise, in ordinary course, the word salary includes dearness allowance. This expression has also been considered with reference



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to Section 17-B of the Industrial Disputes Act wherein Hon'ble the Supreme Court has held that the minimum of the pay would also include the dearness allowance.

10. Keeping in view thereto, we are of the affirm view that as and when the Court passes an order directing the grant of minimum of the pay scale, it would also include the dearness allowance which is applicable to the said pay scale.

11. Having said so, we also noticed that in the judgment passed in the case of *Kalyan Singh's case (supra)* the distinction drawn by the Co-ordinate Bench of a judgment of Hon'ble the Supreme Court would not be applicable as in our considered opinion a judgment passed by the Supreme Court whether in any capacity and while sitting in contempt jurisdiction or otherwise, would be an order to be respected and followed in view of the specific provisions under Article 141 of the Constitution of India. It is not for this Court to make to draw distinctions based on the nature of the case which is before Hon'ble the Supreme Court. Directions issued and even observations made by Hon'ble the Supreme Court, which are the nature of laying down a law, has to be followed without any deviation. We, therefore, refrain ourselves from making any distinction from the orders passed by Hon'ble the Supreme Court as noticed above and, therefore, do not find any reason to interfere with the judgment passed by the learned Single Judge granting the benefit of minimum of the pay scale along with dearness allowance.

12. We have also found that the arguments raised by Mr. Singla also has no basis. Any person who is appointed to the post of Assistant



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Professor, whether in one institute or another, would be similarly situated. No distinction can be drawn on the basis of him/her working in institute A or institute B. If the persons have been appointed at Sant Longowal Institute of Engineering Technology and their Board of Governors have not taken the initiative to take a decision in accordance and in lying with the observations of Hon'ble the Supreme Court, falsify lies with them and the same cannot be a reason to deprive the Assistant Professors of their right to claim to get the minimum of the pay scale as well as the dearness allowance, as observed by this Court.

13. The LPAs are accordingly dismissed. The compliance of the order shall now be made expeditiously and if there is any financial crunch faced by the concerned institute, they shall be at liberty to make the payments in six equal monthly installments.

14. Pending applications, if any, also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

22.04.2025
Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No