



CWP-13655-2024

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

**CWP-13655-2024 (O&M)
Date of Decision:26.03.2025**

ROSHAN LAL

..... Petitioner

*Versus***PANJAB UNIVERSITY AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Akshay Kumar Goel, Advocate
for respondents No.1 and 2.

Ms. Mahdu Dayal, Addl. Standing Counsel and
Ms. Aashna Gill, Jr. Panel Counsel
for the respondent No.3-U.T. Chandigarh.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to formally relieve him and forward his service record to subsequent employer/Delhi University.

2. The petitioner joined Panjab University on 29.05.2013 as Associate Professor. He attained the age of 60 years on 31.05.2023. He preferred writ petition before this Court seeking permission to continue till the age of 65 years. This Court passed interim order in his favour, thus, despite attaining the age of 60 years, he continued to work. He wanted to join another Central University, thus, he applied for the post of



Professor to different Central Universities. The respondent vide communication dated 09.08.2023 (Annexure P-5) and 22.12.2023 (Annexure P-6) permitted him to apply for the post of Professor in Rajiv Gandhi University, Arunachal Pradesh and Central University Punjab, Bathinda respectively. He also applied for the post of Professor in Delhi University in December' 2023 but without prior permission from the University. He received interview letter dated 10.01.2024 from Delhi University. As per said letter, the date of interview was 16/19.01.2024. He vide communication dated 11.01.2024 (Annexure P-7) requested the Panjab University to grant *ex-post facto* permission. It is apt to notice that interview was to be conducted on 16.01.2024 and he applied for No Objection Certificate (for short, 'NOC') on 11.01.2024 (Annexure P-7). He appeared in the interview and was selected. The Delhi University issued him appointment letter dated 02.02.2024 (Annexure P-1). He further requested vide communication dated 29.01.2024 (Annexure P-8) to University to issue him NOC. The letter dated 29.01.2024 (Annexure P-8) was followed by communication dated 28.02.2024 (Annexure P-9), 21.03.2024 (Annexure P-12) and 27.03.2024 (Annexure P-14). In the intervening period, he filed application No.4868 of 2024 (Annexure P-10) in Civil Writ Petition No.8218 of 2023 before this Court seeking permission to withdraw his writ petition. A Division Bench of this Court vide order dated 19.03.2024 (Annexure P-11) ordered to dismiss his petition as withdrawn. In the said order, it was noted that petitioner has been selected as Professor in Delhi University.

3. The petitioner has joined Delhi University and is requesting respondent-Panjab University to transfer his service book so that his



period of service with Panjab University may be counted for the purpose of service benefits while serving with Delhi University.

4. Mr. Sameer Sachdeva, Advocate for the petitioner submits that it is factually correct that before filing application before Delhi University he has not sent communication to Panjab University, however, as soon as, he received interview letter, requested the Competent Authority to issue NOC. In 2023, he was granted permission to apply to Rajiv Gandhi University, Arunachal Pradesh and Central University Punjab, Bathinda, however, he could not avail the opportunity as permission was granted at last stage. As per calendar of the University, permission can be granted two times in a calendar year. The petitioner actually did not avail permission because it was granted at the fag end, thus, he cannot be denied claimed benefit on the ground that he had applied without seeking permission of the University.

5. *Per contra*, Mr. Akshay Kumar Goel, Advocate for respondents No.1 and 2 submits that as per paragraph 9 of the University's calendar (volume-III), a confirmed employee can be permitted to send two applications for job outside the University during a calendar year. The petitioner twice sought permission, however, third time did not seek permission still applied for the post outside the University, thus, he had acted beyond the calendar of the University. He had withdrawn writ petition from this Court and as soon as he withdrew the petition, he was no more employee of the University, thus, University as per its wisdom, transferred his dues in his account. The University is not supposed to forward his service book to new employer.

6. I have heard the arguments of learned counsel for the parties



and perused the record with their able assistance.

7. From the perusal of record, it is evident that petitioner was supposed to retire on 31.05.2023, however, he continued to work in view of interim orders passed by this Court. A controversy is pending before this Court with respect to age of teachers of Panjab University. They are claiming that they are eligible to work till the age of 65 years whereas University is claiming that they cannot be permitted to continue beyond 60 years. The petitioner in view of interim order continued to work beyond 31.05.2023 and after interim order of this Court, he sought permission of Competent Authority to apply outside the University. The permission was granted by the Competent Authority, however, he could not avail opportunity because on the one occasion permission was granted after the date of interview and on the second occasion, it was granted two days prior to date of interview and petitioner was supposed to appear at Rajiv Gandhi University, Arunachal Pradesh. The respondent, by pleading that petitioner applied without seeking permission and relying upon Clause 9 of the calendar, is conceding that permission was required. As per respondent, beyond two applications, no employee can apply outside the University. Clause 9 of the calendar (volume-III) is reproduced as below:

*“ACCEPTANCE OF OUTSIDE ASSIGNMENTS AND
PERMISSION FOR DOING OTHER THAN NORMAL
WORK.*

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

*A confirmed employee can be permitted to send two
applications for jobs outside the University during a
calendar year. However, a member of the teaching
staff in case of his/her selection shall not be relieved*



during academic year. His/her request for grant of leave and retaining the accommodation on the University Campus will be considered in accordance with the normal rules and regulations of the University”

8. From the perusal of aforesaid clause, it is evident that an employee can be permitted to send two applications for jobs outside the University during a calendar year. The petitioner was permitted twice for job outside the University, however, as aforesaid, he could not avail the opportunity. He applied 3rd time in December’ 2023 and got interview letter on 10.01.2024, he immediately informed the Competent Authority and attempted to seek permission. By sending request letter on 11.01.2024 (Annexure P-7) which was followed by subsequent letters, the petitioner expressed his *bona fide* and made every attempt to seek permission. He withdrew writ petition before this Court, thus, he was bound to be relieved by Panjab University. He is requesting respondent to transfer his service book to Delhi University so that his service period with Panjab University may be counted for service benefits while serving with Delhi University. If the University transfer his service book to a new employer, no prejudice is going to be caused to Panjab University. The clause of the calendar relied upon by respondent is not so sacrosanct and mandatory that petitioner could not appear for interview without prior approval. In any case, the petitioner appeared for interview on 16.01.2024 and previous permissions were granted during 01.01.2023 to 31.12.2023. The new calendar year commenced from 01.01.2024. He appeared for interview on 16.01.2024 and was selected in February’ 2024. All these facts collectively make it clear that stand of respondent-Panjab University is not justified while denying to forward petitioner’s service book to a



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new employer.

9. In the wake of above discussion and findings, this Court finds it appropriate to direct the respondent-Panjab University to forward service book of the petitioner to Delhi University. The amount already credited in his account would be returned by him to Panjab University within 07 days from today, by way of demand draft in favour of Registrar, Panjab University, Chandigarh.

10. Allowed.

11. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

26.03.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No