IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2021

Kavita (aged about 25 years) daughter of Rajpal resident of Village Mohanbari Tehsil Matanhale District- Jhajjar presently working as Peon in the office of the S.D.O. ‘op’ Sub Division, Bahu Tahsil Matanhale Distt. Jhajjar (Haryana). ………… …. …Petitioner

Versus

1. Haryana Power Generation Corporation Limited (HPGCL) through its Managing Director ,Sector-6 Panchkula.
2. Chief Engineer, (Admn.) Haryana Power Generation Corporation Limited (HPGCL) Sector-6 Panchkula.
3. Chairman -cum- Managing Director, Uttar Haryana Bijli Vitran Nigam Limited (UHBVN) Sector- 6 Panchkula. ……………… Respondents

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 10 .02.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

Civil Writ Petition under Articles 226/227 of the Constitution of India praying for the issuance of a writ in the nature of certiorari thereby quashing the impugned letter dated 30.12.2020 (Annexure P-7) passed by the respondent no.2 whereby the claim of the petitioner on the post of class- III i.e. Lower Division Clerk ( L.D.C. ) has been wrongly rejected and offered the post of Peon , which is contrary to the land oustees policy dated 13.1.2014 (Annexure P-1) of Thermal Power plant –Jharli (Jhajjar) and various orders of this Hon.ble High Court and letters (Annexure P-8) issued from time to time whereby by the respondents, has been re-considered the claim of similar situated applicants for the post of LDC instead of Peon from the list of land oustees according to their educational qualification i.e Graduate (B.A.)

**Further** for the issuance of a Writ in the nature of Mandamus directing to the respondents to re-consider the claim of the petitioner on the post of class- III i.e. Lower Division Clerk ( L.D.C. ) instead of class- IV i.e. Peon , according to her education qualification (i.e B.A), in terms of the land oustees policy decision (Annexure P-1) from the date of joining i.e. 10.8.2020 with all consequential benefits arising out there from.

*RESPECTFULLY SHOWETH*

1. **That** the petitioner is a resident of District Jhajjar (Haryana) and as such being a citizen of India, she is fully competent to invoke the extraordinary writ jurisdiction of this Hon’ble Court under Article 226/227 of the Constitution of India by way of the present writ petition.
2. **That** in 2007, the State Government acquired the land near about 2000 Acres of four villages in district Jhajjar for setting up 3x500 MW Indira Gandhi Super Thermal Power Plant ( IGSTP P) Jharli ( Jhajjar). At that time, Hon,ble Chief Minister, Haryana had made an announcement on 7.10.2007 while addressing at village Jharli (Jhajjar) that one member each of the family whose land has been acquired shall be given employment. Further ,it was decided that the job will be offered against Class-III and IV posts as per the qualification possessed by the member of the land oustees family .It was further decide during this meeting that the land oustees for whom the Power Company of this project has no suitable jobs , may be provided employment by Haryana Power Utilities i.e. UHBVN, DHBVN,HVPN and HPGCL. It is pertinent to mention here that more than 2 Acres (agriculture land) of the family of the petitioner was acquired in her village Mohanbari (Jhajjar). It is pertinent to mention hare that the policy ( Annexure P-1) dated 13.1.2014 of the Jharli power plant Jhajjar and one of the policy /CM announcement dated 19.5.2007 (true relevant extract typed copy) of the Thermal Power Project ,Khedar-Hissar is also adopted in that policy. A copy of policy obtained through R.T.I. Act is attached with as **Annexure P-1.**
3. **That** in pursuance to the CM Announcement, from March -2013 process of collecting the application form for the employment of the candidates of the family of the land oustees was started by the office of Deputy Commissioner Jhajjar who is/was the Chairman of the land oustees committee . It is submitted that respondents found 293 land oustees family eligible for employment whose total land more than two acre has been acquired . Than on 2.8.2013 Deputy Commissioner Jhajjar who was /is the chairman of the land oustees committee recommended 212 land oustees family out of 293 for employment . But at that time, brother of the petitioner want the job from his family but he was minor according to his date of birth i.e 28.12.1998 . It is pertinent to mention here that there is/was the provision in the land ostees policy that employment to the underage i.e. below 18 years age ,applicants will be provided as per their qualifications after they attain the age of 18 years but unfortunately after completion of 18 years ,brother of the petitioner Mr. Deepak died on 16.7.2017 in road accident. Than petitioner applied in the month of Nov. 2017 for job from her family and submitted her application to the Deputy Commissioner Jhajjar on 14.11.2017 . At the time of submission her application, she had passed graduation( B.A). Copies of application form dated 14.11.2017 are attached herewith as **Annexure P-2.**

**4. That** the Principal Secretary (Power) constitute a committee under the Chairmanship Managing Director to deal/decide the cases for appointment / job of the member of the family of the land oustees. The committee in its meeting considered the cases of all 212 from the total 291 land oustees of four villages who applied for job . The committee allocated 73 names for the post of Lower Divisional Clerk (LDC) who were graduate ( B.A.) and others allocated for different technical post i.e. ALM, Operator-I ,Tech-II and 35 post of peon according to their educational qualification, which is mentioned at para no. 27 of CM Announcement ( Annexure P-1) It is further decided that age and qualification can be relaxed after approval from the State Govt. for providing employment.

**6 That** when the respondent no.3 supplied the list of 212 candidates out of 293 on 3.8.2013 to the respondent no.1 , than 81 candidates were shown not interesting for job. After that, in the year 2018 , respondents again gave an opportunity to apply for job, to all remaining candidates i.e 51 out of 293 who left out or not interesting candidates in the remaining list whereas, petitioner had already applied for the job i.e. in the month of Nov -2017 than name of the petitioner has been included in the said remaining list of 51 candidates . Than respondents provided the employment to the petitioner along with 14 others fully eligible candidates out of 51 remaining candidates , according their qualification in the month of Sep.2020 . The petitioner who applied in the month of Nov. 2017 being fully eligible with graduation (B.A.) for the post of L.D.C. , but offered the post of peon instead of LDC on 24.7.2020 without considering her genuine request whereas, petitioner had passed B.A. examination in the month of June -2016. Ultimately petitioner had no option but to join the post of peon under protest . So, she joined the said post in the month of Sep.2020 under protest, as she was raising objections from day one. . A copy of extended letter dated 25.5.2018 of land oustees policy and true photo copy of the appointment letter dated 24.7.2020 issued to the petitioner for the post of peon is attached here with as **Annexure P-3 and P-4** respectively .

**7. That** petitioner passed the Matriculation exam.(10th class) in the Month of June. 2011 and 10+2 in the month of May -2013.Than petitioner did her B.A. from University of Rajasthan, in June-2016 and the same time, she is having the full knowledge of computer operating and conducting . The copy of the relevant documents of education qualification i.e copy of certificate of 10+2, BA and MA of the petitioner are annexed herewith as **Annexed P-5.**

**8. That** petitioner after joining and even before joining the said post i.e. peon represented to the respondents that she was discriminated in providing the job of peon instead of L.D.C. but no action has been taken till date. Petitioner made repeated requests and running to pillar to post but the respondents did not consider the genuine claim of the petitioner on one pretext or the other and then, lastly representation of the petitioner has been rejected vide letter dated 30.12.2020 on one ground, that parity maintained with other land oustees of Power plant Jhajjar ,who were given employment in the first phase after approval of council of ministers, Haryana on 29.1.2014. True translation copy of the representation and copy of impugned letter dated 30.12.2020 are attached herewith as **Annexure P- 6 and 7** respectively.

9. That the impugned letter dated 30.12.2020 (Annexure P-7) passed by the respondent no.2 is illegal, unjust, unwarranted and contrary to the policy and discriminatory, violative of Articles 14 and 16 of the Constitution of India and deserves to be set aside inter-alia on the ground mentioned here-in-below:-

a) That according to the policy ( P-1), educational qualification for the post of LDC, is Graduate and other similar situated candidates who have earlier applied for employment, when the policy was started w.e.f March-2014 to giving the employment to the 212 out of 293 land ousees members of the family of the power plant, whose land has been acquired more than 2 acre than, respondents provided the employment according their qualification i.e who was the graduate , LDC post was provided and who was not graduate, post of peon was provided. The respondents allocated 73 names for the post of Lower Divisional Clerk (LDC) who were graduate ( B.A.) and others allocated for different technical post i.e. ALM, Operator-I ,Tech-II and 35 post of peon according to their educational qualification, which is mentioned at para no. 27 of CM Announcement ( Annexure P-1)

It is pertinent to mention here that qualification for the post of L.D.C. is mentioned in the relevant para no.29 (iii) of policy (Ann. P-1) , which is reproduced **below kind perusal of this Hon’ble High Court.**

**“The applicants who are graduate with less than 60% marks ,would be adjusted against the post of LDC in relaxation of qualification . The applicants who are illiterate /under middle / under matric .would be adjusted the peon in relaxation of qualification”**

But in the matter of the petitioner, who is graduate and fully eligible at the time of applying for employment in the month of Nov. 2017 according to the special land oustees policy of the thermal power plant (P-1) and fulfill the condition for the post of LDC, which was/is in existence without any changing and no condition was imposed at the time of applying the application for employment , after providing an opportunity to the remaining 81 candidates out of 293 and same is applicable to all the members of the land oustees family, whether those have earlier got the employment according their qualification , same is also in existence today. Thus on this score the impugned order/action is liable to be set aside.

b) That if the policy is extended without changing its nature than applicant cannot deprived for the post according to her /his qualification when he/she is applying during the extended period , why than respondent offered the post of peon to the petitioner , whereas, qualification of the Peon according to land oustees policy is **illiterate /under middle / under matric .** It is total discrimination to the petitioner and also against the policy. Thus on this score also the impugned order/action is liable to be set aside.

**c) That** in similar nature cases, respondents offered the post of peon instead of LDC to similar situated persons of the land oustees list of the power plant where as, they were having the educational qualification of graduate (B.A.) but respondents offered the post of peon to them, than they raised the objections after joining the post of peon before the higher authority that they are entitled for the post of LDC instead of peon according to their educational qualification i.e. BA. but no action has been taken than some similar situated persons approached this Hon’ble High Court. Then Hon’ble Court decide their representations and directed to the respondents to re-consider the claim of the petitioners according to their educational qualification than respondents re-considered it and changed the theirs category from peon to LDC. In this way, office of the Haryana Power Generation Corporation considered the genuine claim of the petitioners and lastly offered the post of LDC instead of peon according to their educational qualification. Some of the orders passed by this Hon’ble Court and its compliance orders by the official respondents are attached herewith as **Annexure P-8.**

**d)** That it is submitted that In the policy of Khedar power plant (true relevant extract typed copy attached herewith As Annexure P-1 (Part) which adopted in adopted in Khedar Power palnt para no.14 ,it is clear mentioned that an opportunity may be given to the applicants who have improved their qualification and it was decided in consultation with FCP to provided an opportunity to the applicants to submit their revised claim according to their latest qualification. In this way, Petitioner has been discriminated by offering appointment to the post of peon without any fault on her part , whereas, petitioner is graduate ( B.A.) and having the knowledge in computer conducting and may be appointed LDC according to her qualification as has been done in the case of other similar situated persons .

**12.**  That the following main law points arise in this writ petition for the kind consideration of this Hon’ble Court:-

a) Whether the case of the petitioner is squarely covered with the policy decision Annexure P-1 .

b) Whether the action of the respondents is arbitrary and discriminatory which violative of Articles 14 and 16 of the Constitution of India?

c) Whether a grave manifest injustice has been caused to the petitioner?

**13.**  That there is no other alternative remedy of appeal or revision available to the petitioner except to approach this Hon’ble Court by way of the present writ petition under Article 226 of the Constitution of India.

**14.**  That the petitioner has not so far filed any such or similar writ petition either in this Hon’ble Court or in the Hon’ble Supreme Court of India for seeking the same relief against the impugned action of the respondents.

PRAYER

It is, therefore, respectfully prayed that this Hon’ble Court may be pleased to call for the records of the present case and after perusal thereof may be pleased to issue: -

a writ in the nature of certiorari thereby quashing the impugned letter dated 30.12.2020 (Annexure P-7) passed by the respondent no.2 whereby the claim of the petitioner on the post of class- III i.e. Lower Division Clerk ( L.D.C. ) has been wrongly rejected and offered the post of Peon , which is contrary to the land oustees policy dated 13.1.2014 (Annexure P-1) of Thermal Power plant –Jharli (Jhajjar) and various orders of this Hon.ble High Court and letters (Annexure P-8) issued from time to time whereby by, the respondents has been re-considered the claim of similar situated applicants for the post of LDC instead of Peon from the list of land oustees according to their educational qualification i.e Graduate (B.A.)

Further for the issuance of a Writ in the nature of Mandamus directing to the respondents to re-consider the claim of the petitioner on the post of class- III i.e. Lower Division Clerk ( L.D.C. ) instead of class- IV i.e. Peon , according to her education qualification (i.e B.A), in terms of the land oustees policy decision (Annexure P-1) from the date of joining i.e 10.8.2020 with all consequential benefits arising out there from.

Any other appropriate writ, order or direction to which this Hon’ble High Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner.

iv) Filing of true typed of annexures s and certified copies of annexures be also dispensed with;

CHANDIGARH Through:

DATED: 20. 2.2021 (SURESH AHLAWAT)

Counsel for the petitioner.

*VERIFICATION*

Verified that the contents of Para No. 1 to 11 and 13 and 14 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 12 are believed to be true on the advice received from the learned Counsel. No part of it is false and nothing has been kept concealed there from

CHANDIGARH

DATED:- 20.2.2021

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.W.P NO. OF 2021

Kavita …………. Petitioner

Versus

Haryana Power Generation Corporation Limited and others. ……………Respondents

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

DATED : 20 .2.2021 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. \_\_\_\_\_\_\_\_\_\_\_\_\_OF 2021

Kavita ……….…Petitioner

VERSUS

Haryana Power Generation Corporation Ltd & Ors

------------Respondents

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TOTAL FEE RS. 81.20/-

NOTE:

1. That the main law points involved in the writ petition are contained in para no. 12 at page no. 11 and 12

2. Relevant Statutes/Rules:

i. The Constitution of India.

ii. Land oustees Policy-13.1.2014/2007

3 Caveat petition filled :- No.

**Similar case if any**: . **CWP No.27185 of 2019 Brijesh Vs. Haryana Vidyut Parsaran Nigam Ltd. and others ( Now fixed for 26.5.2021)**

Present: Mr. Suresh Ahlawat, Advocate for the petitioner. \*\*\*\*\*\* Inter alia alleges that the petitioner in the year 2013 had submitted an application for job and he was 10th pass but no offer was made to him. He attained majority in 2014 and submitted that in the year 2017 he has already completed his graduation and made a representation dated 17.07.2017 (Annexure P-2) but the same has erroneously been decided. Petitioner has been offered appointment for the post of Peon and not of Class III post.

**Notice of motion for 07.02.2020.** Mr. Hitesh Pandit, Addl. A.G., Haryana accepts notice for respondents. Counsel for petitioner is directed to supply requisite number of copies of complete paper book to counsel appearing for respondents during course of day, if not supplied already.

**(AMIT RAWAL) JUDGE**

**October 24, 2019**

**CHANDIGARH ( SURESH AHLAWAT)**

**DATED: 10 .02.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P. NO. OF 2021

Kavita …………. Petitioner

Versus

Haryana Power Generation Corporation Limited and others. ……………Respondents

Affidavit Kavita daughter of Rajpal presently working as Peon in the office of the S.D.O. ‘op’ Sub Division, Bahu Tahsil Matanhale Distt. Jhajjar

I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the deponent has gone through the contents of the accompanying contempt petition which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

2. That no such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court.

CHANDIGARH

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

CHANDIGARH

DATED 2.2021

**LIST OF EVENTS**

**2007** That in 2007, the State Government acquired the land near about 2000 Acres of four villages in district Jhajjar for setting up 3x500 MW Indira Gandhi Super Thermal Power Plant ( IGSTP P) Jharli ( Jhajjar). At that time, Hon,ble Chief Minister, Haryana had made an announcement on 7.10.2007 while addressing at village Jharli (Jhajjar) that one member each of the family whose land has been acquired more than two acre shall be given employment. ( P-1 )

**18.3.2013** That in this regard , on dated 18.3.2013 a meeting was held under the Chairmanship of Hon,ble Chief Minister ,Haryana at Chandigarh to implement the announcement of employment to the land oustees and directed to the Deputy Commissioner Jhajjar who was the Chairman of the Committee and SDM who was the member of the Committee , to supply the list of village wise information of land oustees and their educational qualification . They were also directed to forwarded the application forms of such oustees, complete in all respect, along with all documents, after duly verifying the same to grant the employment. Such applications duly verified were to be forwarded to the duly constituted High Power committee at Panchkula.

In 2013 total list of 294 candidates of land oustees families of four villages whose land more than two acre were acquired for the Power Plant Jharli (Jhajjar) was prepared but D.C. Jhajjar on 2.8.2013 supplied the list of 212 out of 294 applicants. In the month of March 2014 respondents provided the employments to the land oustees applicants according their qualification but some candidates wrongly offered the post of peon whereas, they were graduate .They raised the objections before the respondents vide filling various writ petitions in this Hon ,ble Court ,ultimately respondents forced to re-consider their claim according their qualifications and respondents changed their category from the post of peon to the post of LDC.

**In April -2018** Respondents again gave an opportunity to the remaining land oustees who left out from the total 291 land oustees members than petitioner applied for employment being land oustees family ,she was Graduate at that time and she was/is fully eligible for the post of L.D.C. according to Land Oustees policy but on 24.7.2020 respondents offered the post of peon . Petitioner raised the objection that she may be given appointment according to qualification and land oustees policy and similar situated persons have been offered the post of L.D.C. being graduate . Ultimately petitioner had no option but to join the post of peon. So, she joined the post of peon in the month of Aug.2020 under protest as she was raising his objection from day one.

That petitioner after joining and even before joining the said post of peon , represented to the respondents that she was discriminated in providing the job of peon instead of L.D.C.

Lastly, representation of the petitioner for the post of L.D.C. has been rejected vide order dated 30.12.2020 (P-7).

**Hence this writ petition.**

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 20 .02.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

**HARYANA POWER GENERATION CORPORATION LTD.**

Regd. Office C-7 Urja Bhawan Sector-6 Panchkula

HPGCL Ph.No. 0172-5023404

From

Chief Engineer / Admn.

C-7, Urja Bhawan, Sector-6

HPGCL, Panchkula.

To

**Mr. Paramjeet s/o Sh. Ved Parkash,**

V.P.O. Mohanbari, Distt. Jhajjar, (Har.)

Memo.No. Ch. 59.HPGCL/ENG/G-47/Vol.**II Dt.3.9.2015**

**Subject:- Offer of appointment for the post of Lower Divisional Clerk (Field)**

With reference to your request dated 18.3.2014 **regarding change of post of peon (Field) already given to you in liew of land acquired for setting up 3x500MW, IGSTPP, Jhajjar to LDC (Field) has been considered by the state Govt. and approved the** same Accordingly , you are hereby appointed on the post of LDC (Field) in the Pay Band of Rs. 5200-20200(PB) with Grade Pay of Rs. 2400/- PM along with allowances as may be granted by Corporation from time to time as per service /rules/ regulations subject to relaxation in fulfillment of prescribed qualification and other condition ( wherever applicable.)

1. This appointment to the post of LDC (F) is subject to the following conditions that :-

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Please acknowledge the receipt of this letter

This issues with the approval of Chief Engineer/Admn. HPGCL,Panchkula.

Under Secretary.Estt.(NG)

For Chief Engineer/ Admn.

HPGCL, Panchkula.

Endst.No.1973 Ch. 59 /HPGCL/ENG/G-47/Vol-III. **Dated 3.9.2015**

**xxxxxxxxxxxxxxxxx**

**Subject:- Implementation of CM’ Announcement (CodeNo.2179) dated 19.7.2007 Provision of employment to one member each of the families whose land has been acquired for thermal power plant ,Khedar(Hissar)**

The land for the establishment of Rajiv Ghandhi Thermal Power Plant Project ,Khedar was transferred to the Haryana power generation Corporation Limited by Haryana Vidyut Prasaran Nigam in the year 2009 on the payment of the prevalent collectors rate @Rs. 8 lakh per acre on July 2009 . much higher than the cost of acquisition . The land had originally been acquired in the year 1998 by HVPNL.

2. The Prime Minister laid the foundation stone of 2X600 MW . Thermal owner Project at Khedar (Hisar) on 19.5. 2007 . On this occasion CM made the following announcement:-

“Employment would be provided two one member of each of the families of village Khedar (Hisar) IN THE Thermal power Plant whose land has been acquired for the thermal power plant Khedar on the basis of the qualification and eligibility criteria.:

Xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

14 As desired by the Government , a camp was organized at RGTPP Khedar (Hissar) on 13.7.2011 at RGTTP ,Khedar Hisar to get certain formalities completed from the applicants whose applications were found incomplete and also impress upon 4 No.s applicants who have not submitted their claim , if they so desire , Sh. Shamsher Singh ,Sarpanch of the Vill. Khedar who was present during the camp made a request (F/J) that **an opportunity may be given to the applicants who have improved their qualification after submission of their applications in the year 2007-2008. The matter was considered and it was decided in consultation with FCP to provided an opportunity to the applicants to submit their revised claim according to their latest qualification. Accordingly ,the applicants submitted their claim to the Chief Engineer /RGTPP Hisar who has forwarded their applications to this** office vide memo no.Ch.85/86 both dated 18.7.2011 . It is also added here that the remaining 4 no.s applicants have also submitted their applications for employment.

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Orders of Hon,,ble CM are solicited . Ex post –facto approval of the Cabinet will be obtained.

The appointment letters are proposed to be given at a function at CM residence, Chandigarh on 26.7.2011 at 12 Noon.

M.Prasad

FC. Power

20.7.2011

CPS(power)

Power Minister

Chief Minister

Superintendent

HPGCL. Panchkula

To

The Chairman-cum-Managing Director

Sec.6 Shakti Bhawan

UHBVN Panchkula

Subject:- Application for suitable post and its implementation.

Sir,

Due respect, It is submitted that I (Kavita daughter of Rajpal) am permanent resident village Mohanbari Tehsil Matanhale Distt. Jhajjar . I am working as peon in your department at Sub Division Bahu . That appointment letter issued to me by the Power Department vide Memo No. Ch-139/UH/HR-ii/NG-G-301/CMC-387 dated 24.7.2020 . I had attached educational certificates of 10th, 12th and B.A. at the time of applying in Power department. That I was entitled for the post of LDC on the basis my qualification and according to policy of department. That I had provided the post of peon instead of clerk which is wrong committed by the department .

Kindly post of clerk be provided on the basis of my qualification B.A. and according to policy of power department.

Applicant

Kavita d/o Sh. Rajmal

Vill. Mohanbari Tehsil Matanhale ( Jhajjar)

To

The Deputy Commissioner

Jhajjar

Subject:- Application for employment for one member in NTPC Jharli .

Sir,

It is humble submission that I am (Rajpal son of Sh.Sarup) resident of Mohanbadi Tehsil Matanhale Distt. Jhajjar . My land 17 kanal 5 marlas has been acquired in power plant. There is provision to provide the employment to one member in land oustees family. I nominated my daughter Kavita for employment. So. Kindly provide employment to my daughter. I am fully responsible for this. No member of my family nominated for employment till today.

Received

14.11.2017 Applicant

Rajpal son of Sh. Sarup Vill. Mohanbadi Tehsil Matanhale Distt. Jhajjar

**Application Form Bio-Data**

To

NTPC

Jharli ( Jhajjar)

Sub. Application for the post of …LDC……….

Respected Sir,

Respectfully it is submitted that from……….

I have come to know that some posts of……….. are laying vacant under your kind control .I offer my services for one of them, As regards

My academic qualification and other particulars the same as under –

Name ------------Kavita

Father/husband name ------ Sh Rajpal

Date of birth-------- 1.11.1994

Permanent Address Rajpal son of Sh. Sarup Singh

Vill. Mohanbadi Tehsil—Matanhail Distt. Jhajjar

Present Address:- ----------- same as above---------

Education Qualification

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Exam.Passed | Year of Passing | Board/Uni. | Marks obtained | %age of marks | Division/class |
| B.A. | 2016 | Uni. of Raj. | 288 | 48% | 11nd |
| 12th | 2013 | RBSE | 320 | 64% | 1st |
| 10th | 2011 | RBSE | 305 | 50.83% | 11nd |

If belongs to SC/ST/BC/OBC---------- GEN

Ex servicemen---------------

Postal order if any--------

Experience if any---------

Other activities

If , I be so fortunate to be appointed by the grace of your I will try my utmost to prove worthy of your selection.

Thanking you in anticipation

Dated 14.11.2017 Signature---- Kavita

UTTAR HARYANA BIJLI VITRAN NIGAM LIMITED

Vidut Sadan Sector-6 Panchkula

From

The Chairman-cum- Managing Director

UHBVN, Panchkula

To

Ms Kavita Daughter of Rajpal

V.P.O. Mohanbari,Tehsil Matanhale

Distt. Jhajjar, (Har.)

Memo. No. Ch. 159/UH/HR-ii/NG-4-301 **Dated 24.7.2020**

**Subject:- Offer of appointment for the post of Peon (Common Cadre)**

With reference to your application for employment in liew of land acquired for the setting up of 3x 55 MW IGSTPP.Jharli and as per state Govt. approval for providing employment to the dependants of the land oustees of IGSTPP Jharli, Jhajjar .You are hereby offered a post of Peon in the Pay scale of Rs. 16900-53500 in pay matrix DL with with allowances as may be granted by UHBVN from time to time as subject to fulfillment of prescribed qualification and other conditions of eligibility as per service /advertisement .

Your appointment is subject to following terms and conditions:-

1. It should be carefully under stood that this appointment is temporary in nature and your service will be terminable by one month’s notice by the HPG CL . on the other side or payment of one month’s pay plus allowances in lieu thereof , except in case of misconduct of any description.
2. You will be on probation for a period of two years from the oath of
3. You will be recruited to serve anywhere in the State of Haryana .BBMB or any place in India where Corporation /Nigam State Govt. may so interest
4. You will be covered under the “NEW Defined Contribution Pension Scheme.”
5. Your appointment will further be subject to the following conditions:-
6. You have only one living wife/husband .
7. You actually possess and will produce all original certificates in support of your educational/ Professional qualification at the time of joining .
8. You are not a dismissed Govt. Statutory Corporation servant or not a person convicted of an offence involving moral turpitude.
9. You shall produce medical fitness certificate for first entry in to Corporation /Nigam ,s service from the Surgeon of District at your own cost .In any case ,you are not found medically fit the offer shall stand canceled.
10. You are not less than 18 years of age on the date of joining the service of the Corporation.
11. If you are a present employed in Central/State Govt. /Semi Govt. Autonomous Body ets. You will have to resign your present post before you are allowed to join the Corporation /Nigam service . It should be clearly understood that you will be tread as new entrant in the service of the Corporation /Nigam for all intents and purposes and no benefit of past service (s) will be given in new of State Govt. instructions no .1/2(4) 96 – 2FRII dated 7.1.2002.
12. In addition to the above documents ,the candidates should be required within 15 days of his/her joining the Corporation/Nigam to furnish the usual attestation Character & Antecedents duly completed and the same should be forwarded by the Chief Engineer concern to the competent District Authorities of his native District for verification of his antecedents.
13. You have not concealed any information from the Corporation which will render you unfit for the present service .in case any concealment is found later on then your services can be terminated by competent authority without any notice.

3……In case you are willing to accept the appointment on the terms and conditions as specified above and those applicable to the service , you should convey your acceptance to this office within stipulated period and report yourself for duty in the office of on or before 7.8.2020 in the office of the Chief Engg./Admn. UHBVN Panchkula through post /by hand. Failing which the offer made above may be cancelled.

4……. This offer is being issued without verifying the Character & Antecedents in view of Haryana Govt. Letter No. 52/9/94-S dated 7.6.1994 adopted by the erstwhile Board vide Memo No. Ch.266/NGE/G-420 dated 19.6.1995 and subsequently adopted by Corporation after bifurcation of erstwhile HSEB in to four different companies in view of Haryana Reforms Act, 1997. In case , subsequently, any adverse facts comes to the notice of the Corporation/Nigam regarding your Character& Antecedents , your services are liable to be terminated without any notice.

5….. In case you are ready to accept the offer of appointment , you should report in the office of Under Secretary /Estt. (NG) HPGCL, C-7 Urja Bhawan, Sector-6 , Panchkula on any working day ,during office on or before 15 days from the receipt of this letter along with the following documents:-

1. Acceptance of offer of appointment for the [post of Peon (Field)
2. All original certificates/documents in support of your Academic/Professional qualification & age.
3. An undertaking will be submitted by the candidate on the following:-
4. That you are not a dismissed govt./Public Servant or a person convicted of an offence involving moral turpitude.
5. That you have only one living wife/husband unless you are exempted by any personal law applicable to you or a bachelor or widower which may be specifically mentioned so.
6. That after your marriage , you will furnish a declaration stating that you have not taken any dowry. The declaration shall be signed by the wife , father & father in law

Note :- Any breach of condition and wrong statement in the Affidavit mentioned above may result in loss of service and your services are liable to be terminated on that account alone.

1. Proof (in original) in case you belong to SC/ST/OBC/Ex-Serviceman/ Handicapped category as per prescribed Performa issued by Haryana Govt.
2. No objection certificate from the previous employer in case of employees of Central/State Govt. and State owned or controlled undertakings.
3. In case you claim benefit being an ex serviceman or dependent of Ex-serviceman the documentary proof should also be produced by you.
4. The benefit of reservation will be given to those SC/BC & ESM and outstanding sportsperson who are Domicile of Haryana State.

Under Secretary/HR-II

For Chairman-cum-Managing Director

UHBVN.Panchkula

Endst No. Ch-139/UH/HR-II/NG-G-301 Dated 24.7.2020

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2021

1. Dr. Balwinder Singh (aged about 60 years) son of Sh. Harbans Singh, resident of # House no. 1365 Sector-10.HUDA ,Ambala City. Presently working as Extension Lecturer in Govt. P.G. College Ambala Cantt.

2. Dr. Mangat Singh (aged about 60 years) son of Sh. Teja Singh ,resident of Village Boripur ,P.O. Kalyana, Tehsil Shahbad , Distt. Kurukshetra . Presently working as Extension Lecturer in Govt. P.G. College Ambala Cantt.

Versus

1.State of Haryana through Addl. Principal Secretary ,Higher Education Department, Haryana Civil Secretariat ,Sector-17 Chandigarh.

2. Director-General, Higher Education, Haryana , Shiksha Sadan Sector-5 Panchkula.

3. Principal ,Govt. P.G. College, Ambala Cantt.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 5 .08.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONERS**

Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance a writ in the nature of certiorari thereby quashing the part of clause 11 of the policy decision dated 4.3.2020 of the extension lecturers **( Annexure P-2)**, whereby eligible extension lecturers (who are retd. A/Professors) have been discriminated while paying them less remuneration of Rs. 35,400/- p.m. ,w.e.f. Jan.2021 instead of Rs. 57,700/- p.m. on account of status of employee ,which is not permissible in law and discriminatory and contrary to the well settled on the principal of “Equal work Equal Pay.

**Further** for the issuance of a Writ in the nature of Mandamus be issued to the respondents to pay the retired eligible teachers at par with the eligible serving teachers ( extension lecturers) of Rs. 57,700/- instead of Rs. 35,400/- w.e.f, 1.1.2021 with interst @18 % p.a.

*RESPECTFULLY SHOWETH*

**1.That** the petitioners are retired Associate Professors from the Govt. Colleges and being the citizens of India and are entitled to invoke the extra ordinary writ jurisdiction of this Hon,ble Court under Articles 226/227 of the Constitution of India.

**2.** That petitioners after satisfactorily serving, have retired on superannuation (58 years) as Associate Professors. Petitioner no.1 retired from PG College Ambala City as Associate Professor in Punjabi subject after serving the Higher Education Department for than 21 years on 30.6.2019 at the age of superannuation. Petitioner no.2 retired from R.G. Govt. College Saha (Ambala) as Associate Professor in Punjabi after serving the Higher Education Department, Haryana for more than 21 years on 31.5.2019 at the age of superannuation. Total services of both the petitioners have remained peaceful and rewarding.

**3. That** respondents issued instruction on 20.7.2017 ,regarding engagement of Extension lecturers in Govt. Colleges merely on temporary basis which has been supplemented by another clarification dated 20.9.2017,20.9.2019 and 16.9.2020 whereby some directions were issued for adjusting the Extension Lecturers from the displaced Extension lecturers and in case, those are not available then the retired Associate /Associate Professors can also be adjusted .

**4. That** as per instructions of the Director ,Higher Education Haryana ,the petitioners applied being fully eligible along with the required documents i.e photocopies of Ph.D. degrees, Experience certificates and UGC/NET certificates in Govt. College Ambala Cantt and representation have made in this regard to the respondent no.2 for engaging them as Extension Lecturers in the interest of students due to non availability of displaced eligible Extension Lecturers in the subject of Punjabi .

**5. That**  in the case of petitioners ,no displaced eligible Extension Lecturer s are available and post s are laying vacant and workload was/is available and they (petitioners) are being fully eligible to be appointed as Extension lecturers. Instead of being fully eligible, petitioners could not join as Extension Lecturers by the respondents, whereas posts were vacant and workload was also available according to state govt./UGC norms, than petitioner constrained to file the writ petition no. 28822 of 2019 directing the respondents to grant them opportunity to serve as Associate Professor/Associate as extension lecturer ( Punjabi subject) in Govt. College before this Hon.ble Court . On 4.10.2019 Hon,ble Court disposed of the said writ petition and directed to the respondent no2. i.e. Director, Higher Education to consider the representation of the petitioners but respondents considered the representation of the petitioners after filing the contempt petition no.138 of 2020. Than petitioners were appointed as Extension Lecturer ( Punjabi Subject) in the Govt.P.G .College Ambala Cantt on 2.2.2020. Copy of order dated 4.10.2019 passed by the Hon,ble High Court is attached herewith as **Annexure P-1.**

6. **That** respondents suppressed all the previous instructions/guidelines which were issued before 2020 regarding engagement of extension lecturers and **issued on 4.3.2020 new policy guideline which is attached herewith as Annexure P-2 and fixed the remuneration of the eligible extension lecturer of Rs. 57,700/- per month w.e.f 27.6.2019 which is reproduced below in para no.8 to 11 for kind perusal of this Hon,ble Court :-**

8. The eligible extension lecturers shall be paid @ Rs. 57,700/- per month w.e.f. 27.6.2019 ( on the principle of equal work equal pay) and no allowances are to be paid . They shall be given teaching workload as per state govt. norms. Further, they shall also perform all additional duties ( at par with regular Assistant/Associate Professor) , However ,duties involving financial responsibilities shall not be allotted to them.

9. However, all those incumbents who are not eligible as per UGC/State govt. norms but are still working, as being protected by the orders of Hon,ble High Court ,will be paid a remuneration of Rs. 35,400/- per month and will be meeting complete workload and all other duties as well till the final outcome in civil writ petition .

10. Wherever, an extension lecturer is engaged and still working as being protected by the orders of Hon,ble High Court and there is less workload as per stipulated norms they will be paid Rs. 35,400/- per month.

11. **The remuneration to be paid to such retired teachers will be Rs. 35,400/-per month.**

**7. That** petitioners were granting the remuneration of Rs. 57,700/- from the date of their initial engagement w.e.f 2.2.2020 as extension lecturer being fully eligible according to new policy dated 4.3.2020 regarding engaging eligible extension lecturers in Govt. Colleges. Respondents granted the remuneration of Rs. 57,700/- p.m. up to Dec.2020 from Feb.2020 to the petitioners. But, unfortunately from the Jan.-2021 respondents reduced the said remuneration and has been started Rs. 35,400/- p.m. without giving any opportunity of hearing or any reason, or without any written communication .Than petitioners represented to the respondent on 9.3.2020 to pay them monthly remuneration of Rs. 57,700/- instead of Rs. 35,400/- p.m. Copy of the said representation is attached herewith as **Annexure P-3 ,**whereas the petitioners being fully eligible engaged as extension lecturers who are having more than 21 years experience in relevant field of education with Ph.D degree , and qualified in National Eligibility Teat. ( NET) True Copies in this regard are attached herewith as **Annexure P-4**.

Further on asking by petitioners, office of the respondents verbally told that retired teachers will be paid Rs. 35,400/- p.m. according to new policy. Copies of bank statements of the petitioners regarding monthly remuneration are attached herewith as **Annexure P-5.**

It is pertinent to mention here that actually remuneration of Rs. 35.400/- p.m. will be given those incumbents who are not eligible as per UGC/State Govt. norms but are still working as being protected by the orders of Hon,ble Court . Whereas, petitioners are those persons who are fully eligible in all respect. Petitioners were engaged as extension lecturers when no other incumbents/displaced teachers were available .

**8. That** the impugned clause no.11 of the policy guidelines dated 4.3.2020 regarding engaging eligible extension lecturers in govt. colleges (Annexure P-2) is illegal, unjust, unwarranted and discriminatory on account of status of the employee and contrary to the well settled principal of law “Equal work equal pay” and violative of Articles 14 and 16 of the Constitution of India and contrary to the proposal of revised guide line issued by the higher authority and deserves to be struck down/set aside inter-alia on the grounds mentioned here-in-below:-

a) That petitioners who were Associate Professors, retired on superannuation in the years 2019 ( 58 Years) from higher education department after serving more than 21 years. Both the petitioners engaged as extension lecturer on 2.2.2020 being fully eligible i.e availability of the vacancy /full workload in Govt. College Amabala Cantt according to policy when displaced eligible extension lecturers are not available . Both the petitioners having Ph.D degree in Punjabi subject and qualified in National Eligibility Teat ( NET) and having more than 21 years experience in the field of Punjabi subject in Govt. College.

In the Govt. ( P.G.) college Ambala Cantt there are five post of Punjabi teacher are sanctioned according to teaching workload. Now one regular teacher three extension lecturers (including petitioners) are still working. Period are prescribed for P.G./UG classes according to State Govt./UGC norms. Further other side, those extension lectures who are not retired teachers but are eligible are getting @ Rs. 57,700/- p.m. in same eligibility/line .Therefore, the clause no.11 of the policy is discriminatory against the status of employee to grant the remuneration @ Rs. 35,400/- instead of Rs. 57,700/- to the retired teachers. On this score, impugned clause no11 of the policy guideline (Annexure P-2) deserve to be set-aside.

b) **That** all additional duties and responsibilities of the retired teachers who engaged as extension lecturers in the college and other extension lecturers who are not retired teacher are the same in nature. Then why discrimination is done with the retired teachers who were engaged as extension teachers while granting the remuneration of Rs. 35,400/- instead of 57,700/- p.m. Thus, on this score also the impugned action is liable to be set aside/quashed .

**c).** **That** Respondents ignored the well settled principal of law in the Jagjit Singh v/s State of Punjab ( S.C) ” equal work equal pay” while granting the remuneration to the retired teachers who are now extension lecturers , said principle , itself is admitted by the respondents in the said policy and in this regard respondent no.1 issue the letter on 27.6.2019 to all the Principals of Colleges to fully compliance the said principle and directed to grant the remuneration of Rs. 57,700/-p.m. to the eligible extension lecturers but this principle completely bypassed by the respondent no.2 . In this regard, copy of the said letter dated 27.6.2019 is attached here with as **Annexure P- 6** . Thus, on this score also the impugned clause no.11 of the policy / action is liable to be set aside.

d) **That** no opportunity of hearing or written communication has been given to the petitioners while reducing their remuneration of Rs. 57,700/- p.m. ,w.e.f Jan.2021. Thus, on this score the impugned action is liable to be set aside.

**e) That**  remuneration of Rs. 35,400/- p.m. not applicable in the matter of the petitioners because they are fully eligible compared to other extension lecturers further actually, remuneration of Rs. 35,400/- p.m. will be given those incumbents who are not eligible as per UGC/State Govt. norms but are still working as being protected by the orders of Hon,ble Court . In this way, to grant the remuneration of Rs. 35,400/- p.m. instead of Rs. 57,700/- p.m. to the petitioners is totally discriminatory and amounted to be disrespect of the settled principle of law in equal work equal pay. On this score impugned clause no11 of the policy guideline (Annexure P-2) deserve to be set-aside.

**f) That** proposal revised guideline regarding engaging extension lecturers in Govt. Colleges was prepared in the month of Jan./Feb.-2021 by the higher authority of the department and lastly this proposal later on was vetted by the office of the Advocate –General Haryana and according to this, final policy guidelines regarding engaging eligible extension lecturers in Govt. College was prepared ( Annexure P-1) .In the said proposal it is clear mentioned in para no. 32 **that Retired Associate Professors are also eligible if displaced eligible extension lecturers are not available and will be paid Rs. 57,700/-per month.** On this score also impugned clause no.11 of the policy guideline (Annexure P-2) deserve to be set-aside.

**9.**  That the following main law points arise in this writ petition for the kind consideration of this Hon’ble Court:-

a) Whether the action of the respondents is arbitrary and discriminatory which violative of Articles 14 and 16 of the Constitution of India?

b) Whether a grave manifest injustice has been caused to the petitioner?

**10.**  That there is no other alternative remedy of appeal or revision available to the petitioner except to approach this Hon’ble Court by way of the present writ petition under Article 226 of the Constitution of India.

**11.**  That the petitioner has not so far filed any such or similar writ petition either in this Hon’ble Court or in the Hon’ble Supreme Court of India for seeking the same relief against the impugned action of the respondents.

PRAYER

It is, therefore, respectfully prayed that this Hon’ble Court may be pleased to call for the records of the present case and after perusal thereof may be pleased to issue: -

a) a writ in the nature of certiorari thereby quashing the part of clause 11 of the policy decision dated 4.3.2020 of the extension lecturers **( Annexure P-2)**, where by eligible extension lecturers (who are retd. A/Professors) have been discriminated while paying them less remuneration of Rs. 35,400/- p.m. ,w.e.f. Jan.2021 instead of Rs. 57,700/- p.m. on account of status of employee ,which is not permissible in law and discriminatory and contrary to the well settled on the principal of “Equal work of Equal Pay.

**b) Further** for the issuance of a Writ in the nature of Mandamus be issued to the respondents to pay the retired eligible teachers at par with the eligible serving teachers ( extension lecturers) of Rs. 57,700/- instead of Rs. 35,400/- w.e.f, 1.1.2021 with interst @18 % p.a.

c) Any other appropriate writ, order or direction to which this Hon’ble High Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner.

d) Filing of true typed of annexures s and certified copies of annexures be also dispensed with;

CHANDIGARH Through:

DATED: 5. 8.2021 (SURESH AHLAWAT)

Counsel for the petitioners.

*VERIFICATION*

Verified that the contents of Para No. 1 to 8 and 10 and 11 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 9 are believed to be true on the advice received from the learned Counsel. No part of it is false and nothing has been kept concealed there from

CHANDIGARH

DATED:- 5.8.2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P. NO. OF 2021

Dr. Balwinder Singh and another …………. Petitioners

Versus

State of Haryana and another ……………Respondents

Affidavit . Dr. Balwinder Singh (aged about 60 years) son of Sh. Harbans Singh, presently working as Extension Lecturer in Govt. P.G. College Ambala Cantt.

I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the deponent has gone through the contents of the accompanying petition which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

2. That no such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court.

CHANDIGARH

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

CHANDIGARH

DATED 8.2021

**LIST OF EVENTS**

**May/June 2019** That petitioners after satisfactorily serving, have retired on superannuation (58 years) as Associate Professors from the Govt. Colleges (Higher Education Department) .

**Feb.2020 That** as per instructions of the Director ,Higher Education Haryana ,the petitioners applied being fully eligible along with the required documents i.e photocopies of Ph.D. degrees, Experience certificates and UGC/NET certificates in Govt. College Ambala Cantt and representation have made in this regard to the respondent no.2 for engaging them as Extension Lecturers in the interest of students due to non availability of displaced eligible Extension Lecturers in the subject of Punjabi .

Than petitioners were appointed as Extension Lecturer ( Punjabi Subject) in the Govt.P.G .College Ambala Cantt on 2.2.2020.

**That** respondents suppressed all the previous instructions/guidelines which were issued before 2020 regarding engagement of extension lecturers and **issued on 4.3.2020 new policy guideline and fixed the remuneration of the eligible extension lecturer of Rs. 57,700/- per month w.e.f 27.6.2019**

The eligible extension lecturers shall be paid @ Rs. 57,700/- per month w.e.f. 27.6.2019 ( on the principle of equal work equal pay) and no allowances are to be paid .

However, all those incumbents who are not eligible as per UGC/State govt. norms but are still working, as being protected by the orders of Hon,ble High Court ,will be paid a remuneration of Rs. 35,400/- per month and will be meeting complete workload and all other duties as well till the final outcome in civil writ petition .

**The remuneration to be paid to such retired teachers will be Rs. 35,400/-per month.**

**That** petitioners were granting the remuneration of Rs. 57,700/- from the date of their initial engagement w.e.f 2.2.2020 as extension lecturer being fully eligible according to new policy dated 4.3.2020 regarding engaging eligible extension lecturers in Govt. Colleges. Respondents granted the remuneration of Rs. 57,700/- p.m. up to Dec.2020 from Feb.2020 to the petitioners. But unfortunately, from the Jan.-2021 respondents reduced the said remuneration and started Rs. 35,400/- p.m. without giving any opportunity of hearing or any reason, or without any written communication .

It is pertinent to mention here that actually remuneration of Rs. 35,400/- p.m. will be given those incumbents who are not eligible as per UGC/State Govt. norms but are still working as being protected by the orders of Hon,ble Court . Whereas, petitioners are those persons who are fully eligible in all respect. Petitioners were engaged as extension lecturers when no other incumbents/displaced teachers were available.

Hence this writ petition.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 5 .8.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONERS**

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. \_\_\_\_\_\_\_\_\_\_\_\_\_OF 2021

Dr. Balwinder Singh and another ………….…Petitioners

VERSUS

State of Haryana and others ------------Respondents

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1. That the main law points involved in the writ petition are contained in para no. 9 at page no.

2. Relevant Statutes/Rules: i. The Constitution of India.

ii. Policy of extension lecturers-2020

1. Caveat petition filled :- No.
2. Similar case If any:- No.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 10 .08.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONERS**

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.W.P NO. OF 2021

Dr. Balwinder Singh and another …………. Petitioners

Versus

State of Haryana and others …………Respondents

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

DATED : 17.8.2021 ADVOCATE

COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2021

IN C.W.P. no. of 2021

Dr. Balwinder Singh and another …………. Petitioners

State of Haryana and others …………Respondents

Application under section 151 of C.P.C. praying for placing on record the copies of Annexure P-7 Pension Pay Order of the petitioners and P-8 proposal of revised guide line engaging extension lecturers.

RESPECTFULLY SHOWETH:-

1. That the above titled writ petition is pending in this Hon’ble Court and is **now is fixed for 27.8.2021 .**
2. That on 10. 8.2021 Hon,ble High Court directed to the petitioners to place on record pension pay order (Annexure P-7 ) of both the petitioners further petitioners also want to place on record the copy of proposal of revised guide line engaging extension lecturers (Annexure P-8) which got under the RTI Act , which is now available for proper adjudication of this case further last pay drawn of the petitioner no.1 was Rs.

and last pay drawn of the petitioner no.2 was Rs.

1. It is, therefore, respectfully prayed that this application may kindly be allowed and petitioner may kindly be permitted to place on record Annexures P-7 & P-8 in the interest of justice.

CHANDIGARH

DATED:-17.8.2021 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2021

IN C.W.P. no. 15114 of 2021

Dr. Balwinder Singh and another …………. Petitioners

State of Haryana and others …………Respondents

N D E X

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**True photo full copies.**

4. P-7 Copy of PPO 9-11

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Power of Attorney already on record

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CHANDIGARH

DATED:-17.8.2021 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR PETITIONERS

**Subject :- Proposal of revised guideline regarding engaging Extension Lecturers in Govt. Colleges on temporary.**

Kindly refer to the subject cited above.

To cover up the shortage of regular teaching staff in Govt. Colleges ,the State Govt. has been granting permission to engage Extension Lecturers on the basis of work load and vacant position ,in suppression of all previous instructions / guideline/directions issued regarding engagement of extension lecturers ,following guideline have been approved by the state Govt. which shall be followed by all the Principals of Govt. Colleges in the state in letter and spirit:-

1. Process of appointment
   1. Extension Lecturers shall be engaged purely on temporary basis ,if and only there is an unmet workload of more than 50% of the prescribed norms i.e. 27 periods per week ( non practical subjects) and 30 period per week ( practical subject) .In case, there is workload less than 50 % of the prescribed norms, it shall be met by the existing regular/engaged extension lecturer (if Any) faculty. If there is requirement of engaging more than one eligible Extension lecturer shall be engaged only when there is a requirement of workload as prescribed norms .Further, it should also be kept into consideration that eligible extension lecturers have been engaged for less than the prescribed workload , service of such persons shall be dispensed with following the principal of “First Come ,Last Go”.
   2. Qualification/Eligibility of Extension lecturers shall be as per the Haryana Education ( College cadre) Group-B Service Rules applicable to Assistant Professor P.G. Govt. college .Only such persons shall be engaged as Extension lecturer who fulfill the qualification prescribed under service Rules .Non qualified persons engaged by the principal shall be removed after coming into force of these guidelines ( the information about court protected ineligible extension lecturers shall be sent to Directorate prior to such action by the principal concerned.)
   3. Exiting Extension lecturers ,who are eligible /qualified as per Haryana education College cadre Group B Service Rules ,will continue till further orders ,under these guidelines without facing any interview ,provided there is adequate workload as prescribed under these guidelines ,duly approved by the department.
   4. If there is workload ,as per norms stipulated ,to engage new eligible Extension Lecturers in any subject ,prior approval of the department with workload and justification shall be obtained .in no case ,eligible extension Lecturer shall be engaged without prior approval of the department .
   5. Application will be invited through publication /advertisement in two permanent national newspaper ( Hindi and English) strictly as per the approval given by the department in case no displaced eligible extension lecturer as mentioned at sr. no. 22 and 23 come forward for engagement.
   6. A Committee of three senior most associate/assistant professors under the Chairmanship of principal of the concerned college shall be constituted to engage eligible extension Lecturer purely on merit and on the basis of selection criteria prescribed by the state Govt. for the selection of assistant Professors in Govt. Aided Colleges circulated vide letter no. kw/8/36-2009C-IV(3) dated 14.3.2017.
   7. A waiting list of three candidates in a subject shall be prepared in order of merit which shall remain valid for one academic session.
   8. The eligible Extension Lecturers shall be engaged for one academic session or till the joining of regular Assistant/associate Professor on appointment or Transfer or deputation, whichever is earlier.

**Remuneration**

* 1. The eligible extension lecturers shall be paid @ Rs. 57,700/- per month w.e.f. 27.6.2019 ( on the principle of equal work equal pay) and no allowances are to be paid . They shall be given teaching workload as per University calendar/ state govt. norms. Further, they shall also perform all additional duties ( at par with regular Assistant/Associate Professor) , However ,duties involving financial responsibilities shall not be allotted to them.

10. However, all those incumbents who are not eligible (and still working, as being protected by the orders of Hon,ble High Court) as per UGC/State government norms will be paid a remuneration of Rs. 35,400/- per month and will be meeting complete workload and all other duties as well.

11. Wherever, an extension lecturer is engaged (and still working as being protected by the orders of Hon,ble High Court ) and there is less workload as per stipulated norms they will be paid Rs. 25,400/- per month ( consolidate only) .

Xxxxxxxxxx

**32. Retired Associate professors are also eligible if displaced Eligible Extension lecturers are not available and will be paid Rs. 57,700/- per month.**

Xxxxxxxx

NOTE :- These instructions shall be followed strictly and in letter and spirit, also the responsibility of the principal/DDO will be fixed and the Principal/DDO will be liable to face departmental action for major penalty as per rules.

Xxxxxx Sd/-

Sd?- 24.1.2020

**Hon,ble C.M**

May please peruse the office proposal .it is pertinent to mention here that more than 26 instructions/guidelines/letters have been issued w.r.t. the extent in lecturers by the department since ,2016( details are placed below at flag-A) Keeping in view the increase number of CWP.s wherein the petitioners are mentioning one or more of such instructions/guidelines as proposed in the office proposal may be issued which will supersede all prevailing instructions/ guidelines letters issued till date by the department.

**Submitted for orders of Hon,be C.M. please.**

**D.H.E. Sd/-**

**Deputy Director Corps**

**DDCC**

**Submitted for approval for**

**Ajit Balaji Joshi, IAS**

**Education-Minister DGHE**

**Order of Hon,ble C.M. may please be perused on page no. 74/N**

**Submitted for vetting by Ld. Advocate General ,Haryana please**

**Sd/- Baldev Raj Mahajan**

**15.2.2020**

**Legal opinion**

**Sub:-** proposal of revised guidelines regarding engaging Extension Lecturers in Govt. Colleges purely on temporary basis.

I have gone through the draft policy for engagement of eligible extension lecturers placed in the file . Necessary changes have been carried out .final draft is enclosed herewith for your kind perusal.

Sd/-

**Shruti jain Goyal**

**Deputy Advocate General, Haryana**

**3.3. 2020**

**Advocate General ,Haryana**

**Sd/- Baldev Raj Mahajan**

**4.3.2020**

**Office of the Principal Accountant General (A&E) ,Haryana Plot no. 4** **& 5 ,Sector-33B Chandigarh.**

**( Pension Payment Order) Part-1**

Rules applicable Haryana APP No. 1019272119

Case No. PEN 71/11922907522907522975/3/P/19/10/239236

Debatable to Govt. File ID 2051931244

* 1. **PENSION Rs. 90,900/-** until further notice and on the expiration of every month ,please pay to :-

**BALWINDER SINGH Son of Sh. HABANS SINGH**

The pension or family pension as set out in part ii of this order pulse the amount of dearness relief as admissible from time to time thereon after due identification of the pensioner .

**The payment of pension should commence from 01/07/2019.**

Xxxxxx

Seal of the pension Payment issuing Authority

To

The Distt. Treasury Officer

Ambala Branch Office

**Office of the Principal Accountant General (A&E) ,Haryana Plot no. 4** **& 5 ,Sector-33B Chandigarh.**

**( Pension Payment Order) Part-1**

Rules applicable Haryana APP No. 1019272122

Case No. PEN 71/119229083229083/5/P/19/10/238147

Debatable to Govt. File ID 2051931247

* 1. **PENSION Rs. 76,150/-** until further notice and on the expiration of every month ,please pay to :-

**Mangat SINGH Son of Sh. Teja SINGH**

The pension or family pension as set out in part ii of this order pulse the amount of dearness relief as admissible from time to time thereon after due identification of the pensioner .

**The payment of pension should commence from 01/06/2019.**

Xxxxxx

Seal of the pension Payment issuing Authority

To

The Distt. Treasury Officer

Kurukshetra Branch Office

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2021

IN C.W.P. no. 15114 of 2021

Dr. Balwinder Singh and another …………. Petitioners

State of Haryana and others …………Respondents

CHANDIGARH

DATED:-17.8.2021 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR PETITIONERS