IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2021

1. Dr. Attar Singh (aged about 62 years) son of Sh. Deep Chand, resident of House no. 1786 Sector-13 Bhiwani . Extension lecturer Govt. College for women Badhar ( Ch.Dadri) .

2. Dr. Rattan Kaur (aged about 64 years) daughter of Sh. Chandgi Ram , resident of House No. 442, Vikas Nagar Bhiwani . Extension lecturer M.N.S. Govt. College Bhiwani.

3. Dr. Surj Mal (aged about 65 years) son of Sh. Hari Singh resident of House No. 982, Sector-23 HUDA, Bhiwani Extension lecturer M.N.S. Govt. College Bhiwani.

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. College for women Badhar ( Ch.Dadri)

4. Principal , M.N.S. Govt. College Bhiwani.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 15 .11.2021 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. 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, from the date of their joining as extension lecturers with interest @18 % p.a. in terms of letter dated 27.6.2019 (Annexure -6)

*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 attaining the age of superannuation (58 years) as Associate Professors. Total services of 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 16.9.2019 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 who are retired Associate Professors from Govt. Colleges applied being fully eligible along with the required documents i.e photocopies of Ph.D. degrees, Experience certificates in respective Govt. Colleges 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 their subjects . Petitioners found being fully eligible than they were appointed as Extension Lecturer in their subjects in the Govt.Colleges during the period of Jan.2018 to March-2019.

A detail particulars each of the petitioner is given below:-

|  |  |  |  |
| --- | --- | --- | --- |
| Sir. No. | Name of the Petitioner | Date of engagement as Extensional Lecturer |  |
| Dr. Attar Singh  ( Geography) | 16.1.2018 to 7.7.2021  Govt. College for women Badhar Ch.Dadri |
| Dr. Rattan Kaur  ( Psychology) | 4.9.2018 to 18.12.2020  M.N.S.Govt. College Bhiwani. |
| Dr. Surj Mal  ( Psychology) | 1.3.2019 to 18.12.2020 M.N.S. Govt. College- Bhiwani. |
| 5. **That** respondents suppressed all the previous instructions/guidelines and issued new policy guideline on 4.3.2020 for engaging the extension lecturers which is attached herewith as **Annexure P-1** 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.**

**6. That** petitioners had been granted the remuneration of Rs. 35,400/- from the date of their initial engagement as extension lecturer till their reliving from services , whereas, they were fully eligible according to new policy dated 4.3.2020 w.e.f 27.6.2019 regarding engaging eligible extension lecturers in Govt. Colleges. But respondents 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 various dates to pay them monthly remuneration of Rs. 57,700/- being fully eligible and at par others eligible extension lectures instead of Rs. 35,400/- p.m.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 . But 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. One of the copy of the said representation submitted by the petitioners to the respondent no.2 is attached herewith as **Annexure P-2**

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 and work load is less than 50% . 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 and work load of the classes was above 50% .

**7. 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 attaining superannuation age between the years 2014 to 2017 ( 58 Years) from higher education department after serving more than 21 years. All the petitioners engaged as extension lecturer w.e.f. Jan. 2018 to March-2019 being fully eligible i.e availability of the vacancy /full workload in respective Govt. Colleges according to policy when displaced eligible extension lecturers are not available . All the petitioners having Ph.D degree in their subject and having more than 21 years experience in the field of their subject in Govt. Colleges. In the Govt. colleges there are sanctioned posts according to teaching workload. Period are prescribed for P.G./UG classes according to State Govt./UGC norms. Further other side, those extension lectures who engaged as fresh but 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- 3** . 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 reasoning or written communication has been given to the petitioners while granting the remuneration of Rs. 35,400/- p.m. 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 and work load is less than 50% but in the matter of petitioners workload was above 50 % . 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.-2020 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.

**8.**  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?

**9.**  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.

**10.**  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-1)**, where by eligible extension lecturers (who are retd. A/Professors) have been discriminated while paying them less remuneration of Rs. 35,400/- p.m. 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: 15. 11.2021 (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:- 15.11.2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P. NO. OF 2021

Dr. Attar Singh and others …………. Petitioners

Versus

State of Haryana and others ……………Respondents

Affidavit Dr. Attar Singh (aged about 62 years) son of Sh. Deep Chand, resident of House no. 1786 Sector-13 Bhiwani .

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 Aadhar of the deponent has been annexed as a proof of identity and residential address with the petition for impleadment as a party

3. 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 11.2021

**LIST OF EVENTS**

**2015-2017** That petitioners after satisfactorily serving, have retired on attaning the age of superannuation (58 years) as Associate Professors from the Govt. Colleges (Higher Education Department) .

**20.7.2017/ 16.9.2019 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 in Govt. Colleges 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 their subject .

Than petitioners were engaged as Extension Lecturer in the their respective subjects in Govt.P.G .Colleges between 2018 to 2019

**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 .

**But in the matter of petitioners who are retired govt. teachers and who are fully eligible, discrimination was done with them in clause 11 of the new policy dated 4.3.2020 ( Annexure P-1) while granting the remuneration to such retired teachers which will be Rs. 35,400/-per month but others fresh extension lecturers in same line will be paid Rs. 57,700/- p.m.**

**That** petitioners had been granted the remuneration of Rs. 35,400/- from the date of their initial engagement as extension lecturer being fully eligible according to new policy dated 4.3.2020 regarding engaging eligible extension lecturers in Govt. Colleges..

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 and work load is less than 50%, 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: 15 .11.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONERS**

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

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

Dr. Attar Singh and others ………….…Petitioners

VERSUS

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

**INDEX**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. | Particulars | Date | Pages | Court f |
| A | Court Fee | 15.11.2021 |  |  |
| 1. | List of Date & Events | 15.11.2021 | 1-2 |  |
| 2. | Civil Writ Petition | 15.11.2021 | 3-13 | 50.00 |
| 3. | Affidavit in Support | .11.2021 | 14 |  |
|  | **ANNEXURES** |  |  |  |
| 4. | **P-1 (Policy of Extension Lecturers)** | 4.3.2020 | 15-18 | 3.00 |
| 5. | **P-2 (Representation)** |  | **19** | 1.00 |
| 6. | **P-3 (Letter)** | 27.6.2019 | 20 | 1.00 |
| 7 | **Power of Attorney** |  | 21 | 3.00 |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

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

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

ii. Policy of extension lecturers-2020

3. Whether any sitting /former MP/MLA is involved in the case of not -No-

Caveat petition filled :- No.

Similar case If any:- **Yes CWP-15114-2021**

BALWINDER SINGH AND ANR VS STATE OF HARYANA AND ORS

Present: Mr. Suresh Ahlawat, Advocate for the petitioners.

Inter-alia contends that the remuneration to the retired teachers is discriminatory.

Notice of motion.

Mr. Aman Bahri, Addl. A.G. Haryana accepts notice on behalf of respondents and prays for time to file the reply.

**List on 06.01.2022.**

**( G. S. SANDHAWALIA )**

**August 27, 2021 JUDGE**

CHANDIGARH (SURESH AHLAWAT)

DATED: 15 .11.2021 ADVOCATE

COUNSEL FOR THE PETITIONERS

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.W.P NO. OF 2021

Dr. Attar Singh and others …………. Petitioners

Versus

State of Haryana and others …………Respondents

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

DATED : 15.11.2021 ADVOCATE

COUNSEL FOR THE PETITIONERS

To

Director-General, Higher Education, Haryana ,

Shiksha -Sadan Sector-5 Panchkula.

Subject:- Increase in remuneration of Rs. 35,400/ to Rs. 57,700/- for the retired teachers working in the College.

This is to bring to your notice that the undersigned are retired teachers from Got. Colleges and presently working as Extensional Lecturers in the subject of pshyclogy in the college.

It is submitted that since we are retired from the Govt. Colleges and therefore, are fully qualified to teach under graduate and post graduate students but, we are being paid a monthly remuneration of Rs. 35,400/- per month instead of Rs. 57,700/- per month .The remuneration of Rs. 35,400/- per month is being paid to ineligible extension lecturers working in the state.

Keeping in view of our qualification i.e. M.A. along with Ph.D it is respectfully requested to pay us a remuneration of Rs. 57,700/- per month being retired teachers and being qualified as well, so that we should not be compared with ineligible extension lecturers.

Thanking you.

Applicant:-

1. Dr. Rattan Kaur (Retd.A/Professor)

2. Dr. Surj Mal (Retd.A/Professor) Extensional lecturers in M.N.S. Govt. College Bhiwani.

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

|  |  |  |  |
| --- | --- | --- | --- |
| S.  No. | Particulars | Date | Pages |
| 1. | Application u/s 151 C.P.C for placing on record | 17.8.2021 | 1 |

**ANNEXURES**

2 **P-7** (True extract Copy of P.P.O.) 2-3

3 **P-8** (True extract Copy of guideline ) 4-8

**True photo full copies.**

4. P-7 Copy of PPO 9-11

5. P-8 Copy of guideline 12-21

Power of Attorney already on record

------------------------------------------------------------------------------------------

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

IN C.W.P. no. of 2021

Dr. Mangal Singh …………. Petitioner

State of Haryana and others …………Respondents

CHANDIGARH

DATED:-3.10.2021 SURESH AHLAWAT

ADVOCATE

COUNSEL FOR PETITIONER

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CIVIL WRIT PETITION NO. OF 2021

Dr. Mangal Singh retired Associate Professor (aged about 59 years) son of Sh. Paritam Singh, resident of House no.122 Ward No.7, Ravi Dass- Mohala ,Ratia ( Fatehabad)

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. K.T. (P.G.) College, Ratia. (Fatehabad)

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 3 .10.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance a Writ in the nature of Mandamus, directing the respondent no.2 to grant the approval for filling the vacant posts in Punjabi Subject according to workload of teachin **(Annexure P-6)** whereby there are requirement of six Punjabi teachers and presently one teacher is working against the total 149 periods of 446 students ( U.G.& P.G. classes) in the respondent no.3 college including the petitioner in the interest of students for the academic session 2021-22 which has been started w.e.f. 1.10.2021 in the terms of policy dated 4.3.2020 (Annexure P-1)

**It is further** prayed that pass any appropriate order or direction which this Hon,ble Court may deem fit as the circumstances of the present case.

*RESPECTFULLY SHOWETH*

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

**2.** That petitioner after satisfactorily serving, has retired on attaining the age of superannuation (58 years) as Associate Professors from Govt College ( P.G.) Ratia (Fatehababd) in Punjabi subject after serving the Higher Education Department for more than 19 years on 29.2.2020.Total services of the petitioner has remained peaceful and rewarding. True copy of the relieving/retirement order dated 29.2.2020 of the petitioner is attached herewith as **Annexure P-1.**

**3.**  **That** respondents suppressed all the previous instructions/guidelines which were issued before 2020 regarding engagement of extension lecturers purely on temporary basis and issued new policy guideline on 4.3.2020 purely on workload basis that Extension Lecturers shall be engaged purely on work requirement basis, if and only if there is an unmet workload of more than 50 % of the prescribed norms of the state government .In case ,there is workload less than 50% of the prescribed norm ,it shall be met by the existing regular faculty. If there is requirement of engaging more than one eligible extension lecturers , it shall be ensured by the Principal that additional eligible extension lecturers shall be engaged only when there is a requirement of workload as per prescribed norms. Further eligible extension lecturers shall be engaged with prior approval of the Director-General Higher Education, Haryana and application will be invited through publication by the Principals concerned strictly as per the approval given by the Director-General Higher Education, Haryana. True copy of the policy guideline of extension lecturers dated 4.3.2020 is attached herewith as **Annexure P-2**

**4.** That as per policy guideline dated 4.3.2020**,** Principal of the Govt. College Ratia (Fatehabad) represented to the respondent no.2 (i.e. Director-General, Higher Education Haryana) vide letter dated 10.12.2020 demanded that there are shortage of six teaches in the subject of Punjabi on the basis of workload available of the graduate and post graduate classes and only one regular teacher is still working and Dr. Mangal Singh Associate Professor( Punjabi subject ) since has been retired from this college and his services may be utilized being as extension lecturer in the interest of students if permitted to do so. True translated letter dated 10.12.2020 written by the Principal of Govt. College to the Respondent no.2 is attached herewith as **Annexure P-3.**

On the basis of this letter, petitioner applied on 17.8.2021 being fully eligible for the post of extension lecturer along with the required documents i.e. photocopies of Ph.D. degrees, 19 years Experience certificates in Govt. College Ratia ( Fatehabad). True translated copy of the application dated 17.8.2021 and copy of Ph.D degree submitted by the petitioner to the Principal Govt. College Ratia ( Fatehabad) is attached herewith as **Annexure P-4.**

5. That on 24.8.2021 more than 40 students of the M.A. (Punjabi) represented to the respondent no.3 i.e. Principal of the Govt. P.G. College Ratia (Fatehabad) whereby, they prayed to the respondent no.3 that their study is adversely affecting , their exam result are poor due to shortage of teachers in Punjabi subject because one teacher is working, whereas there are six subject in Punjabi . In this regard true translated copy of said representation dated 24.8.2021 submitted by the students to the respondent no.3 is attached here with as **Annexure P-5.**

**6.** That after receiving the representation submitted by the students of Punjabi subject, respondent no. 3 i.e. Principal Govt. College Ratia (Fatehabad) immediately took the step and sent the letter along with workload statement ,subject wise statement ,representation of the students and application form of the petitioner to the respondent no.2 for approval of engagement of newly extension lecturers, whereby he demanded that due to non availability of the teachers in Punjabi subject ,students of this subject are suffering from study. They demanded to us , to make up the deficiency of Punjabi teachers ,there are more requirement Punjabi teachers on the basis of workload in Punjabi subject and one regular Punjabi teacher is working and one another teacher since has been retired from service and there is need for service of that teacher who retired from service recently in the interest of students. In this regard true translated copies of the letter dated 24.8.2021 written by the Principal to the Director ,Higher Education along with other documents regarding grave need of engagement of more teachers in Punjabi subject on the basis of **workload statement** are attached herewith as **Annexure P-6.**

**8.** That as per the workload statement, heavy workload is there in the subject of Punjabi .Total strength of students up to P.G Classes in Punjabi subject are 446 but only one regular teacher is working . Teachers requirement as per workload SIX . Now academic session for 2021-22 has been started but office of Director ,Higher Education had kept the representation/letter dated 24.8.2021 pending without anydecision and same has not been decided, particularly they are not implementing the own instructions further no displaced eligible Extension Lecturers are available and post s are laying vacant and workload was/is available and petitioner is being fully eligible to be appointed as Extension lecturer, if an opportunity be given to the petitioner, he is ready to serve in the interest of students but instead of being fully eligible, petitioner could not join as Extension Lecturer due to non approval of respondent no.2, whereas posts were vacant and workload was also available according to state govt./UGC norms. It is pertinent to mention here that in the state of Haryana, there is no displaced person is/are available in Punjabi subject except retired teachers in that subject.

**9.** That academic session for 2021-22 has been started from the month of Sep.2021, in this regard true copy of Notification dated 11.8.2021issued by the Kurukshetra University is attached here with as **Annexure P-7** but respondent is not giving the approval for engagement of extension lecturers in the subject of Punjabi, further there is no any type of arrangement of teachers in the subject of Punjabi till now, further there is grave need to engage the more teachers in the Punjabi subject rather in order to save the loss of the students who are studying. Representation has been submitted by the students in this regard to the respondent no.3 for engaging the petitioner as Extension Lecturers in the interest of students in the subject of Punjabi and workload statement submitted by the Principal Govt. College but respondent no.2 did not any heed in this regard .Therefore the intervention period by non appointment of extension lecturers will certainly diminishing the progress in the study of the students, which is also not in the national interest and in that eventually ,not only the right of the petitioner is being deprived and the right to get education of the students is also taken away. Therefore, impugned action of the respondent no2 is liable to be set-aside.

**10.**  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 respondent no. 2 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 and students?

**11.**  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.

**12.**  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 Mandamus, directing the respondent no.2 to grant the approval for filling the vacant posts in Punjabi Subject according to workload of teaching **(Annexure P-6)** whereby there are requirement of six Punjabi teachers and presently one teacher is working against the total 149 periods of 446 students ( U.G.& P.G. classes) in the respondent no.3 college including the petitioner in the interest of students for the academic session 2021-22 which has been started w.e.f. 1.10.2021 in the terms of policy dated 4.3.2020 (Annexure P-1)

b) 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.

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

CHANDIGARH Through:

DATED: 3. 10.2021 (SURESH AHLAWAT)

Counsel for the petitioner.

*VERIFICATION*

Verified that the contents of Para No. 1 to 9 and 11 and 12 of the writ petition are true and correct to my knowledge. Legal submissions made in para Nos. 10 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:- 3.10.2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP NO. of 2021

C.W.P. NO. 20539 OF 2021

Dr. Mangal Singh …………. Petitioner

Versus

Anand Mohan Sharan and another …………Respondents

Affidavit of Dr. Mangal Singh (aged about 59 years) son of Sh. Paritam Singh, resident of House no.122 Ward No.7, Ravi Dass- Mohala Ratia ( Fatehabad)

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.

Dated .11.2021

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 . 11.2021

LIST OF EVANTS

29.2.2020 That petitioner after satisfactorily serving, has retired on attaining the age of superannuation (58 years) as Associate Professors from Govt College ( P.G.) Ratia (Fatehababd) in Punjabi subject after serving the Higher Education Department for more than 19 years on 29.2.2020.

**4.3.2020**  **That** respondents suppressed all the previous instructions/guidelines which were issued before 2020 regarding engagement of extension lecturers purely on temporary basis and issued new policy guideline on 4.3.2020 purely on workload basis that Extension Lecturers shall be engaged purely on work requirement basis, if and only if there is an unmet workload of more than 50 % of the prescribed norms of the state government.

**10.12.2020** That respondent no.3 i.e Principal of Govt. College Ratia (Fatehabad) written a letter to the Director-General Higher Education Haryana that as per policy guideline dated 4.3.2020 demanded that there are shortage of five teaches in the subject of Punjabi on the basis of workload available of the graduate and post graduate classes and only one regular teacher is still working and Dr. Mangal Singh Associate Professor( Punjabi subject ) since has been retired from this college.

**17.8.2021** On the basis of this letter, petitioner applied on 17.8.2021 being fully eligible for the post of extension lecturer along with the required documents i.e. photocopies of Ph.D. degrees, 19 years Experience certificates in Govt. College Ratia ( Fatehabad).

**on 24.8.2021** more than 40 students of the M.A. (Punjabi) represented to the respondent no.3 i.e. Principal of the Govt. P.G. College Ratia (Fatehabad) whereby, they prayed to the respondent no.3 that their study is adversely affecting , their exam result are very poor due to shortage of teachers in Punjabi subject because one teacher is working, whereas there are six subject in Punjabi .

That after receiving the representation submitted by the students of Punjabi subject, respondent no. 3 i.e. Principal Govt. College Ratia (Fatehabad) immediately took the step and sent the letter (on same day) along with workload statement ,subject wise statement ,representation of the students and application form of the petitioner to the respondent no.2 for approval of engagement of newly extension lecturers,

That as per the workload statement, heavy workload is there in the subject of Punjabi .Total strength of students up to P.G Classes in Punjabi subject are 446 but only one regular teacher is working . Teachers requirement as per workload SIX . Now academic session for 2021-22 has been started but office of Director, Higher Education had kept the representation/letter dated 24.8.2021sent by the respondent no.3 pending without anydecision and same has not been decided.

That academic session for 2021-22 has been started from the month of Sep.2021 but respondent is not giving the approval for engagement of extension lecturers in the subject of Punjabi, further there is no any type of arrangement of teachers in the subject of Punjabi till now, further there is grave need to engage the more teachers in the Punjabi subject rather in order to save the loss of the students who are studying. Representation has been submitted by the students in this regard to the respondent no.3 for engaging the petitioner as Extension Lecturers in the interest of students in the subject of Punjabi and workload statement submitted by the Principal Govt. College but respondent no.2 did not any heed in this regard .Therefore the intervention period by non appointment of extension lecturers will certainly diminishing the progress in the study of the students, which is also not in the national interest and in that eventually ,not only the right of the petitioner is being deprived and the right to get education of the students is also taken away. Therefore, impugned action of the respondent no2 is liable to be set-aside and academic session for 2021-12 has been started w.e.f 1.10.2021

Hence this petition is being filled .

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 3 .10.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

To Received Principal

The Principal **17.8.2021**

K.T. Govt. College Ratia, (Fatehabad)

Subject:- Application for engaging of the Retd. Associate Professor as extension lecturer in the College against the vacancy in the subject of Punjabi .

Sir,

It is respectfully prayed that I, Dr. Mangal Singh since retired as Associate Professor from this college in the subject of Punjabi after attiring the age of superannuation.

That there is workload of six Assistant Professors in this College and at that time only one regular teacher is working and five vacancy are there according to workload . I am willing to serve in this college as extension lecturer.

I hope that you will provide an opportunity to me serve as extension lecturer . Obliged .

Sd-

17.8.2021 Dr. Mangal Singh

Retd. Associate Professor

Ward no.7, Ram-dasia Mohla Ratia ( Fatehabad)

To Received Principal

The Principal **24.8.2021**

K.T. Govt. College Ratia, (Fatehabad)

Subject:- Application for lack of Punjabi teachers.

Sir

Respectfully submitted that we are students of M.A. Punjabi of your college. There are six subject in Punjabi subject but only one teacher is there to teach us ,due to this some subjects remained incomplete. Due to this reason, we faced very hardship in examination . Kindly fulfill the shortage of teachers very soon . In as much our study will not affect.

Applicants

Sanddep Kumar, Inderjt Kaur, Suresh Rani, Rimpi Devi, giani Ram, Amanddep Kaur, Perinka, Harman Singh,Happy Singh, Shona Rani, Raveena Malik, Neelam Rani, Sonia Rani, beant Kaur

Office of The Principal ,K.T. Govt. College Ratia, (Fatehabad)

To

The Director General

Higher Education, Haryana

Siksha Sadan, Sector-5 Panchkula

No. KTGCR/2020/877-78 **dated** **10.12.2020**

Subject:- Filling the gap of Assistant Professors in Punjabi Subject

In above cited subject, regarding representation ( original is attached ) submitted by the students of Punjabi subject of this College .

It is submitted that only two posts are sanctioned in Punjabi subject, in which one Associate Professor has been retired on 29.2.2020 . In this college, post graduate classes are going on in addition to under graduate classes. Due to this , there are workload of minimum five teachers ,only one regular teacher is there . Than kindly grant the permission to engage the services of retired Associate Professor Mr. Mangal Singh as extension lecturer who has since retired from this college, so that future of students of Punjabi subject would safe. No arrangement of Punjabi teacher is complete , till then to provide services of the teachers from nearby college .( Govt. College for woman Ratia)

The Principal

K.T. Govt. College Ratia, (Fatehabad)

No. 01 --------KTGCR /2020/-Same-Dated 10.12.2020

One copy is forwarded to the Principal Govt. College for woman Ratia for n/a.

From

Principal , K.T. Govt. College Ratia, (Fatehabad)

To

The Director General

Higher Education, Haryana

Siksha Sadan, Sector-5 Panchkula

No. KTGCR/202 Estt. 605 **dated 24.8.2021**

**Subject:-** To grant the permission to engage the services of Retired Associate Professor as Extension Lecturer, on the basis of available workload in Punjabi subject of this college.

Regarding in above cited subject of this office letter no. KTGCR/2020/724dated 17.11.2020 and KTGCR/2021/263 dated 29.6.2021

You are requested that students of under graduate and post graduate classes subject Punjabi of this college submitted an representation in this college that mostly periods of Punjabi subject go away without study due to only one teacher in this subject . Harvey loss caused to them in study of Punjabi subject. Please keep their future in mind to fill the gap of teachers in Punjabi subject . Representation of the students is attached here with.

So, request you that keep their future in mind on the basis of available workload , than kindly grant the permission to utilize the services of the retired Associate Professor Dr. Mangal Singh as extension lecturer.

Principal ,

K.T. Govt. College Ratia, (Fatehabad)

Attached 1. Workload statement 2. Subject-wise statement 3. Photo copy of representation of students 4. photo copy of Application from .

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA

AT CHANDIGARH

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

Dr. Mangal Singh ………….…Petitioner

VERSUS

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

**INDEX**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. | Particulars | Date | Pages | Court f |
| A | Court Fee | 3.10.2021 |  |  |
| 1. | List of Date & Events | 3.10.2021 | 1-3 |  |
| 2. | Civil Writ Petition | 3.10.2021 | 4-10 | 50.00 |
| 3. | Affidavit in Support | .10.2021 | 11 |  |
|  | **ANNEXURES** |  |  |  |
| 4. | **P-1 ( Copy of retirement order )** | 29.2.2020 | 12 | 1.00 |
| 5. | **P-2 (Copy Policy of extension lecturers )** | **4.3.2020** | **13-16** | 3.00 |
| 6. | **P-3 (Copy Letter to Director )** | 10.12.2020 | 17 | 1.00 |
| 7. | **P-4 (Copy of** Application with document of Ph.D) | 17.8.2021 | 18-19 | 2.00 |
| 8. | **P-5 (Copy of Representation of students)** | 24.8.2021 | 20 | 1.00 |
|  |  |  |  |  |
| 9 | **P-6 ( Copy of letter with workload statement** | 24.8.2021 | 21-22 | 2.00 |
| 10. | **P-7 ( Copy of Notification for academic session** | 11.8.2021 | 23-24 | 2.00 |
| 11 | **Power of Attorney** | 2.10.2021 | 25 | 3.00 |
|  | **VERNACULAR** |  |  |  |
| 12 | **P-3 (Photo copy of Letter to Director )** | 10.12.2020 | 26 |  |
| 13 | **P-4 (** Photo copy of Application ) | 17.8.2021 | 27 |  |
| 14 | **P-5 (photo copy of Representation of students)** | 24.8.2021 | 28 |  |
| 15 | **P-6 ( Photo copy of letter with workload statement )** | 24.8.2021 | 29 |  |

Total C.Fee Rs.65/-

1. That the main law points involved in the writ petition are contained in para no. 10 at page no. 9

2. Relevant Statutes/Rules: 1. The Constitution of India.

.2. Policy of extension lecturers-2020

3. Caveat petition filled :- No.

4. Where Constitutional Validity of any act ,Rule of Notification has been challenged by way of filling writ petition of not -NO-

5. Where any sitting/former MP/MLA is involved in the case of not –NO-

6. Similar case If any:- No.

**CHANDIGARH SURESH AHLAWAT)**

**DATED: 3 .10.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA

AT CHANDIGARH

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

Dr. Mangal Singh ………….…Petitioner

VERSUS

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

**CHANDIGARH ( SURESH AHLAWAT)**

**DATED: 3 .10.2021 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

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 11.2021

**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

**INDEX**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr. | Particulars | Date | Pages | Court f |
| A | Court Fee | 5.8.2021 |  |  |
| 1. | List of Date & Events | 5.8.2021 | 1-2 |  |
| 2. | Civil Writ Petition | 5.8.2021 | 3-13 | 50.00 |
| 3. | Affidavit in Support | .8.2021 | 14 |  |
|  | **ANNEXURES** |  |  |  |
| 4. | **P-1 (Order of High)** | 4.10.2019 | 15-16 |  |
| 5. | **P-2 (Policy of Extension Lecturers)** | **4.3.2021** | **17-20** |  |
| 6. | **P-3 (Representation)** | 9.3.2021 | 21 |  |
| 7. | **P-4 (** Copies of documents) | --------- | 22-24 |  |
| 8. | **P-5 (Bank Statement** | --------- | 25-26 |  |
|  |  |  |  |  |
| 9 | **P-6 (Letter)** | 27.6.2019 | 27 |  |
| 10. | **Power of Attorney** |  | 28 |  |

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

COCP NO. of 2021

IN C.W.P NO. 20539 OF 2021

Dr. Mangal Singh …………. Petitioner

Versus

State of Haryana and others …………Respondents

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

DATED : 22.11.2021 ADVOCATE

COUNSEL FOR THE PETITIONER

**SURESH AHLAWAT OFFICE**

**ADVOCATE Chamber No.62**

**PUB. & HAR. HIGH COURT**

**CHANDIGARH**  **Resi: Mb.94171-11917**

**-----------------------------------------------------------------------------------------------------**

To

1. Anand Mohan Sharan , Principal Secretary ,Higher Education Department, Haryana Civil Secretariat ,Sector-17 Chandigarh.

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

Sub:- **Contempt Notice**- on behalf of my client **Dr. Mangal Singh** retired Associate Professor for initiating contempt proceedings against you under Section 12 of the Contempt of Courts Act for willfully and intentionally disobeying **order dated 8.10.2021** passed by this Hon’ble Court in **“CWP No. 20539 of 2021 titled as Dr. Mangal Singh Vs. State of Haryana &** Others.” whereby more than one month has passed till date, which makes you liable for the severe punishment under the Contempt of Courts Act.

**R/ Sir,**

I have been instructed on behalf of my client **Dr. Mangal Singh** retired Associate Professor (aged about 59 years) son of Sh. Paritam Singh, resident of House no.122 Ward No.7, Ravi Dass- Mohala ,Ratia ( Fatehabad) I hereby serve the present notice for initiating contempt proceedings against you as under:-

2. That when the said writ petition has come for hearing before this Hon'ble Court on 8.10.2021 then this writ petition disposed of by this Hon'ble Court and direction to respondent No.2 to take a decision on the communication dated 10.12.2020 (Annexure P-3) within a period of 4 weeks from the receipt of the certified copy of this order.

3. That thereafter, on 13.10.2021 the my clint had supplied the certified copy order dated 8.10.2021 to the your offices respectively; which were duly received in the offices of the respondents.

**4..** That after received the copy of said order dated 8.10.2021 , till date, no response has been given by your office.

5. That now grievance of the petitioner is that they have supplied certified copy of order passed by this Court to both respondents, which were duly received in their respective offices, but till today respondent No.2 has not complied the order of this Hon'ble Court .Hence, the respondents have not complied the order of this Hon'ble Court therefore; the respondents have clearly violated the directions passed by this Hon'ble Court, from which it reflects that they are disobeyed the order dated 8.10.2021 passed by the Hon'ble High Court willfully, deliberately & intentionally.

6. That it is a pre-requisite condition for filing a contempt petition that notice be served upon you by name by bringing to your knowledge the order passed by the Hon’ble Punjab and Haryana High Court, which has to be complied with by you. Therefore, the present notice is being served upon you.

7. That as a compliance of the aforesaid order dated 8.10.21 you are duty bound in law as a compliance of the order passed by the Hon’ble High Court in letter and spirit, but you have intentionally and willfully disobeyed that order, which makes you liable for the severe punishment under the Contempt of Courts Act.

It is, therefore, prayed from you that the grievances of my client not redress **within 10 days** from the receipt of this contempt notice failing which, I have clear instructions from my client to initiate contempt proceedings against you for intentionally and willfully not complying with the order passed by the Hon’ble High Court.

In that eventuality, you will be liable to the expenses and costs that my client shall have to incur on the same as it would be uncalled for and unnecessarily burdening him to file Contempt Petition in the Hon’ble High Court for getting the justice which is being denied to him by you in an arbitrary manner.

Please take further notice that you are also liable for the costs of the present notice which are assessed by me at Rs.11,000/-.

A copy of this notice has been retained by me in my office for reference and record.

**SURESH AHLAWAT**

**ADVOCATE**

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

COCP NO 0F 2021

IN C.W.P. No. 20539 of 2021

MEMO OF PARTIES

Dr. Mangal Singh retired Associate Professor (aged about 59 years) son of Sh. Paritam Singh, resident of House no.122 Ward No.7, Ravi Dass- Mohala ,Ratia ( Fatehabad) ADHAR NO.7042 7740 6755.

----------------Petitioner

VERSUS

1. Anand Mohan Sharan , Principal Secretary ,Higher Education Department, Haryana Civil Secretariat ,Sector-17 Chandigarh.

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

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

Chandigarh SURESH AHLAWAT

DATED : 22.11.20201 ADVOCATE

COUNSEL FOR THE PETITIONER

**Contempt Petition** under Section 12 of the Contempt of Court Act-1971 for initiating contempt proceedings against the respondents for willfully and intentionally disobeying the directions passed by this Hon’ble Court vide order dated 8.10.2021 passed in CWP no. 20539 of 2021 titled as Dr.Mangal Singh V/S State of Haryana and others , whereby more than **FOUR WEEKS** have passed ,but till date ,they did not do so, which makes them liable for the severe punishment under the Contempt of Courts Act:-

**RESPECTFULLY SHOWETH:**

* 1. That the petitioner is being aggrieved from non-compliance of order dated 8.10.2021 on part of respondents intentionally and deliberately is entitled to invoke inherent jurisdiction of this Hon,ble Court by filing present petition under section 12 of the Contempt of Courts Act,1971.
  2. That the petitioner filled civil writ petition no. CWP no. 20539 of 2021 titled as Dr.Mangal Singh V/S State of Haryana and others , before this Hon,ble Court, seeking following relief :-

“ directing the respondent no.2, to grant the approval for filling the vacant posts in Punjabi Subject according to workload of teaching **(Annexure P-6)** whereby there are requirement of six Punjabi teachers and presently one teacher is working against the total 149 periods of 446 students ( U.G.& P.G. classes) in the respondent no.3 college including the petitioner in the interest of students for the academic session 2021-22 which has been started w.e.f. 1.10.2021 in the terms of policy dated 4.3.2020 (Annexure P-1)

3. That when the said writ petition had come for hearing before this Hon'ble Court on 8.10.2021, then this writ petition was disposed of by this Hon'ble Court and directed the respondents to compliance said order within a period of **FOUR WEEKS .**

A Copy of the order dated 8.10.2021 passed by this Hon,ble Court is annexed herewith as **Annexure P-1.**

4. That it is very surprisingly, respondents not bothered the directions of the Hon’ ble High Court, which are given after taking lenient view. Now FOUR WEEKS have been expired till today but respondents have not complied the order of this Hon'ble Court . Hence, the respondents have not complied the order of this Hon'ble Court therefore; the respondents have clearly violated the directions passed by this Hon'ble Court, from which it reflects that they are disobeyed the order dated 8.10.2021 passed by the Hon'ble High Court willfully, deliberately & intentionally.

5. **That the** petitioner also served the contempt notice to the respondent but all in vain .Copy of the contempt notice dated 15.11.2021 is attached herewith as **Annexure P-2.**

6**. That despite** repeated requests and frequent visits, grievance of the petitioner has not yet been redressed. Even respondents are not caring about order passed the Hon,ble Court.

7**. That** when the respondents did not pay any heed than petitioner constraint to file this contempt petition before this Hon’ble Court

8. **That now** **FIVE WEEKS have been expired** from the date of passing of order dated 8.10.2021 by this Hon,ble High Court ,this matter is hanging fire since july-2021 but the respondents did not pay any heed and are not implementing the order passed by this Hon.ble Court on 8.10.2021 . The act and conduct of the respondents shows clear cut willful and deliberate disobedience of the order dated 8.10.2021 passed by this Hon,ble High Court.

9. **That the** respondents have deliberately and intentionally disobeyed the order of the Hon’ble Court as they have no respect for law and order . In order to fulfill their own oblique motive ,the respondents have committed the offence of Contempt of Court Order.

10. **That** the respondents have, thus, made themselves liable to be prosecuted under the contemptuous proceedings for disobedience of the High Court which makes them liable for severe punishment under the Contempt of Courts Act.

11. **That n**o such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court .

It is, therefore, respectfully prayed that present contempt petition may kindly be allowed, contempt proceeding against the respondents for non-compliance and non-implementing the order dated 8.10.2021 passed in CWP no. 20539 of 2021 by this Hon,ble Court willfully and deliberately may kindly be initiated under the provision of the Contempt of Courts Act, 1971, in the interest of justice.

Any other relief to which this Hon’ble Court deems fit and proper in the peculiar facts and circumstances of the present case may also be granted in favour of the petitioners.

It is further prayed that the petitioners may kindly be exempted from certified/true typed copy of annexures in the interest of justice.

Chandigarh SURESH AHLAWAT

DATED : 22.11.2021 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA

AT   CHANDIGARH

                                                COCP NO 0F 2021

IN C.W.P. No. 20539 of 2021

Dr. Mangal Singh -----------Petitioner

                                      Versus

Anand Mohan Sharan and another ----Respondents

INDEX

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Sr.  No. | Particulars | Date | | Pages | | C  fee | |
| 11.1. | Contempt Petition under Section 12 of Contempt of Court Act,1971 | 22.11.2021 | | 1-5 | | 3.00 | |
| 2 | Affidavit | .11.2021 | | 6 | |  | |
| 3 | Annexure P-1 (Order of High Court) | 8.10.2021 | | 7-8 | | 3.00 | |
| 4 | Annexure P-2 ( Contempt Notice) | 15.11.2021 | | 9-10 | | 3.00 | |
|  | Power of Attorney |  | | 11 | |  | |  |
|  |  |  | |  |  | |
|  |  | | | | |
|  |  | | | |

Total Court Fee with U.Form Rs.

Similar case if any :- No

CHANDIGARH SURESH AHLAWAT

DATED 22.11.2021 ADVOCATE

    COUNSEL FOR THE PETITIONER

P/370/1994