IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.W.P. No Of 2022

MEMO OF PARTIES

Dr. Ravi Kiran Madan (aged about 61 years) son of Sh. Ladha Ram resident of House No. 161,Sita Ram Gate, Jhajjar , presently working as Extension Lecturer in Govt .P.G. Nehru College Jhajjar. Aadhar No. 8956 4451 7262 Mobile No. 96718-22982.

VERSUS

1. State of Haryana through its Addl. Chief 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. Nehru College, Jhajjar.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 5 .1.2022 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 certiorari thereby quashing the part of clause 11 of the policy decision dated 4.3.2020 of the extension lecturers **( Annexure P-1)**, 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. March-2020 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, 1.3.2020 with interst @18 % p.a. in terms of letter dated 27.6.2019 (Annexure -4)

*RESPECTFULLY SHOWETH*

**1. That** the petitioner is retired Associate Professor from the Govt. College and being the citizen 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 superannuation (58 years) as Associate Professor from PG Nehru College jhajjar as Associate Professor in Geography subject after serving the Higher Education Department for than 20 years on 30.11.2018 at the age of superannuation. Total services of the petitioner 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 petitioner applied being fully eligible along with the required documents i.e photocopies of Ph.D. degrees, Experience certificates and UGC/NET certificates in Govt. P.G. Nehru College Jhajjar and representation has made in this regard to the respondent no.2 for engaging him as Extension Lecturers in the interest of students due to non availability of displaced eligible Extension Lecturers in the subject of Jhajjar .

**5. That**  in the case of petitioner ,no displaced eligible Extension Lecturer,s are available and post s are laying vacant and workload above 50% was/is available according to state govt./UGC norms, and he (petitioner) is being fully eligible to be appointed as Extension lecturer.

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-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.**

**7. That** petitioner was granting the remuneration of Rs. 57,700/- from the date of their initial engagement w.e.f Jan.- 2019 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 Feb. 2020 from his date of engagement (in the year 2019) as extension lecturer but ,unfortunately from the March .-2020 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 petitioner represented to the respondent to pay them monthly remuneration of Rs. 57,700/- instead of Rs. 35,400/- p.m. and another representation is made to the respondents on 25.10.2021. Copy of the said representation is attached herewith as **Annexure P-2 ,**whereas the petitioner being fully eligible engaged as extension lecturers who is having more than 20 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-3**.

Further on asking by petitioner, office of the respondents verbally told that retired teachers will be paid Rs. 35,400/- p.m. according to new policy.

It is pertinent to mention here that actually remuneration of Rs. 35.400/- p.m. will be given those incumbents who are not eligible and workload is less than 50 % as per UGC/State Govt. norms but are still working as being protected by the orders of Hon,ble Court . Whereas, petitioner is that person who is fully eligible in all respect. Petitioner was 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-1) 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 petitioner who was Associate Professors, retired on superannuation in the years 2018 ( 58 Years) from higher education department after serving more than 20 years. The petitioner engaged as extension lecturer on 16.1.2019 being fully eligible i.e availability of the vacancy /full workload in Govt. College Jhajjar according to policy when displaced eligible extension lecturers are not available . The petitioner is having Ph.D degree in Geography subject and qualified in National Eligibility Teat ( NET) and having more than 20 years experience in the field of Geography subject in Govt. College.

In the Govt. ( P.G.) college Jhajjar there are seven post of Geography teachers are required according to teaching workload. Now three regular teachers and two extension lecturers (including petitioner) are still working. Periods are prescribed for classes according to State Govt./UGC norms ,whereas petitioner have been allocated full workload i.e. 27 periods per week as per 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-1) 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 of 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- 4** . 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 petitioner while reducing their remuneration of Rs. 57,700/- p.m. ,w.e.f. March.2020. 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 petitioner, because he is 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 and work load is less than 50% 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 petitioner is totally discriminatory and amounted to be disrespect of the settled principle of law in equal work equal pay and is also against the their own clarification letter dated 4.10.2021 which is attached herewith as **Annexure P-5 .** On this score impugned clause no11 of the policy guideline (Annexure P-1) 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-1) 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-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. ,w.e.f. March.2020 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, 1.3.2020 with interst @18 % p.a. in terms of letter dated 27.6.2019 (Annexure -4)

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. 1.2022 (SURESH AHLAWAT)

Counsel for the petitioner.

*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:- 5.1.2022

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

IN C.W.P. NO. OF 2022

Dr. Ravi Kiran Madan …………. Petitioner

Versus

State of Haryana and another ……………Respondents

Affidavit . Dr. Ravi Kiran Madan son of Sh. Ladha Ram resident of House No. 161,Sita Ram Gate, Jhajjar , presently working as Extension Lecturer in Govt .P.G. Nehru College 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 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 and my Aadhar no is 8956 4451 7262

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 1.2022

**LIST OF EVENTS**

**30.11.2018** That petitioner after satisfactorily serving, have retired on superannuation (58 years) as Associate Professors from the Govt. Colleges (Higher Education Department) .

**16.1.2019 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 and UGC/NET certificates in Govt. College Jhajjar 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 Geography .

Than petitioner was appointed as Extension Lecturer ( Geography Subject) in the Govt.P.G. Nehru College on 16.1.2019.

**4.3.2020** **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)

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 .

**But the respondents wrongly and illegally imposed one condition in clause no.11 of the that policy ( Annexure P-1) , that remuneration to be paid to such retired teachers will be Rs. 35,400/-per month.**

**That** petitioner was granting the remuneration of Rs. 57,700/- from the date of their initial engagement w.e.f Jan 2019 as extension lecturer being fully eligible. But unfortunately, from the March 2020 respondents reduced the said remuneration and started Rs. 35,400/- p.m. instead of Rs. 57,700/ per month 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, petitioner is that person who is fully eligible in all respect. Petitioner was engaged as extension lecturer when no other incumbents/displaced teachers were available.

Hence this writ petition.

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 5 .1.2022 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA

AT CHANDIGARH

CWP No. \_\_\_\_\_\_\_\_\_\_\_\_\_OF 2022

Dr. Ravi Kiran Madan ………….…Petitioner

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

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| 4. | **P-1 ( Policy of Extension lecturers )** | 4.3.2020 | 15-18 | 3.00 |
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Total Rs.

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

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

ii. Policy of extension lecturers-2020

Caveat petition filled :- No.

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

Similar case If any:- CWP-15114-2021 **Dr. Balwinder Singh and another versus State of Haryana**  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.**

27, August 2021 ( G. S. SANDHAWALIA )

JUDGE

**CHANDIGARH (SURESH AHLAWAT)**

**DATED: 5.1.2022 ADVOCATE**

**COUNSEL FOR THE PETITIONER**

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

C.W.P NO. OF 2022

Dr. Ravi Kiran Madan …………. Petitioner

Versus

State of Haryana and others …………Respondents

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

DATED : 5.1.2022 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 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

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

**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

From :-

Director-General, Higher Education, Haryana ,

Panchkula.

To

All Principals of Govt. Colleges

In the State of Haryana

Memo no. 22/51-2021C-1(5) Dated Panchkula ,the **4.10.2021**

Subject:- Clarification regarding salary of extension lecturer having less than stipulated workload.

Kindly refer to the subject cited above

I have directed to inform you that as per the state policy guideline dated 4.3.2020 the working eligible extension lecturer shall be paid 57,700/- per month from the date of attaining minimum qualification ( date of notification in case of Ph.D degree/NET) as per UGC norms . Subject to the condition that the full workload is allocated to the concerned extension lecturer in the subject concerned.

In case full workload is not available/allocated to the concerned eligible extension lecturer in the subject concerned then he/she will be paid 35,400/- per month.

The concerned Principal will ensure to got the Ph.D degree verified from the concerned University/Institute before granting the above said remuneration to the extension lecturer .For any lapse the concerned Principal will be held responsible.

It is further clarified that no changes may be made in the remuneration of the extension lecturers who attained their minimum qualification ( Ph.D) from the following Universities till further orders and status quo will be maintained to those who have already given the benefit:-

* 1. OPJS Univercity,Churu
  2. SJJT Univercity Churela Jhunjhunu
  3. Singhania Univercity, Pacheri Bari Jhunjhunu
  4. Shridhar University ,Bigodna, jhunjhunu
  5. Sunrise Univercity, bagar Rajput Alwar

Please adhere to the directions meticulously and the same to be implemented in letter and spirit.

Deputy Director college-1

Director-General, Higher Education, Haryana ,

Panchkula.

To

The Principal ,

Govt. P.G. Nehru College, Jhajjar**. Dated 25.10.2021**

Subject:- request to grant full remuneration (Rs.57,700/-) to eligible extension lecturer.

Madam,

Reference to letter from Director-General, Higher Education Haryana Memo no.22/51-2021C-1(5) dated 4.10.2021 .As per letter the working eligible extension lecturers shall be paid Rs. 57,700/- per month subject to the condition that full workload is allotted to the concern extension lecturer in the subject concern .In this regard it is stated :-

1. That I am eligible extension lecturer ( M.A.NET.Ph.D and retired associate professor in Geography) I am being paid Rs. 35,400/-. Per month

2. That I have been allocated full workload i.e. 27 periods per week as per norms of stipulated workload.

3. That Reference to letter memo no. kw4/36-2010c1(5) 27.6.2019 from ACS to Govt. Haryana higher education Haryana Chandigarh ,as per this letter the state Govt. has decided to implement the principal of “Equal Work Equal pay” for extension lecturers of he/she has been allotted full workload at par with Assistant /associate professor.

Since, I fulfil both the conditions i.e. eligibility and full workload .I request you to kindly look into the matter and do the needful.

Thanking you.

Yours faithfully.

(Dr.Ravi Kiran Madan)

Associate Professor of geography(Retired)

H.No.161,Sita Ram gate ,Jhajjar