

(2010) 10 SHI CK 0355
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 7049 of 2008

Dr. Pushpa Gautam and Another

APPELLANT

Vs

H.P. University

RESPONDENT

Date of Decision : 22-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0355

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition has been filed with the following prayer:

(i) That the respondent University may be directed to pay the revised emoluments to the applicants with effect from 1991 to March, 31, 1993 for which they are entitled in pursuant to UGC Notification, dated June 06, 1988.

(ii) That the respondent University may further be directed to pay revised emoluments to the applicant pursuant to the notification dated June 17, 1994 with effect from April 01, 1994 to May 12, 1998 by granting them the benefit of increments as well as other admissible allowances.

(iii) That the respondent University may further be directed to pay emoluments for the period April 01, 1993 to March 31, 1994 on the revised rates, which have been wrongly denied to them.

(iv) That the difference of arrears so calculated, and arrears with effect from April 01, 1993 to March 31, 1994 be paid to the applicants, alongwith interest at some nationalized Bank rate.

2. In the reply furnished by the University, it is stated thus at para 3:

3. The respondent University has not committed any act of omission and commission because the applicants namely Dr. Pushpa Gautam and Dr. Krishna Paul were paid the emoluments/fellowships @ Rs. 2,000/- per month with a

contingency grant of Rs. 5,00/- P.A. as per the UGC's Guidelines supplied by the commission vide UGC letter No. F9-1/86 (HRD) dated 13.5.1987 and the subsequent release of the grant by the UGC under the head Recurring (B) Scholarship/fellowship under the first phase of DSA from 1.4.88 to 31.3.93. This is evident from the appointment letter issued to the applicants vide office letter No. 1-22/87HPU(Edu)DSA dated 4.4.1991 vide which it has been clearly mentioned that applicants have been appointed as Research Associates for a period of two years only on the monthly fellowship/Associateship of Rs. 2000/- per month with contingency grant of Rs. 5000/- per annum for a period of 2 years only. The UGC vide its notification No. F-12-2/86(RFSA-1) dated 6th June, 1988 and vide UGC letter No. F.12/93(SA) dated 17th June, 1994 did not remit any additional grant to the university and hence there was no question of paying the fellowships/Associateships as per the revised rates because these fellowships/Associateships are subject to the availability of the funds from the UGC. This condition has also been mentioned in the applicant's appointment letter at Sr. No. 5, which reads as under:

The associateship will be governed by the University Grants Commission's rules and regulations framed thereunder from time to time and also subject to the availability of funds from the University Grants Commission.

Moreover, the State Government also accepted the guidelines of the UGC and agreed in principle to take over the recurring financial liability of the Academic Staff (Two Readers) and Administrative staff (One Steno-cum-typist and one Lab Technician) after the first phase of the UGC grant to DSA and conveyed its sanction vide its letter No. Sa-Ga 10-8/81 dated 29.12.1987 to the UGC but not the financial liability in respect of the head: "Research Associateship/Fellowship/scholarships.

3. It is seen that the matter is in correspondence by the University with the U.G.C. We make it clear that it will also be open to the petitioners to move UGC for the grant. We dispose of this writ petition directing the additionally impleaded UGC to take final decision in the matter either on the request made by the University or on the representations filed by the petitioners within three months from the date of production of the copy of this judgment by the petitioners. Depending on the action thus taken by the UGC, in case the petitioners are found eligible for any benefit(s), the same shall be disbursed to them within another one month.

4. The writ petition stands disposed of, so also the pending application(s), if any.