
(2001) 08 P&H CK 0083

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No's. 1764, 1900, 1901, 1933, 2015, 2035, 2042, 2084, 2390, 2396, 2413, 2416, 2428, 2429, 2547, 2555, 2564, 2639, 2658, 2667, 2747, 2762, 2800, 2808, 2947, 2997, 3044, 3060, 3090, 3100, 3292, 3354, 3500, 3596, 3642, 3753, 3756, 3890 a

Kulbhushan Singh

APPELLANT

Vs

State of Punjab
 Surinder Kaur Vs State of Punjab

 Hira Singh and Others Vs State of Punjab

RESPONDENT

Date of Decision : 09-08-2001

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2001) 08 P&H CK 0083

Hon'ble Judges : Swatanter Kumar, J;A.S. Gill, J

Bench : Division Bench

Advocate : Gurvinder Singh, DAG, Bal Ram Gupta, B.R. Mahajan, Sushma Chopra, P.C. Bhardwaj, Sachin Jain, Renu Sharma, A.S. Kalra, M.L. Saini, N.P. Mittal, Vikas Jain, Kanwaljit Singh Ahluwalia, Mandeep S. Bedi, Chaman Lal Pawar, Pardeep Rajput, Kapil Kakkar, Rajnish Gupta, Arun Palli, Sanjay Majithia, Sandeep Majithia, Rakesh Sharma, K.S. Dadwal and Jai Bhagwan, for the Appellant;

Final Decision : Partly Allowed

Judgement

Swatanter Kumar, J.—All known canons governing appointments to State services were thrown to winds and protection of equality before law and equal opportunity for employment to all, enshrined under Articles 14 and 16 of the Constitution of India, was brought down to nadir when the principles of various Government colleges in the State of Punjab issued similar advertisements like the one published on 25.2.2001 in the Tribune and which is reproduced here under :-

"S.U.S. Govt. College, Sunam :- Wanted part-time lecturer Biology, Pay and qualifications as per Punjab Government. Instructions. Walk in for interview on 26.2.2001 at 10.00 a.m. No TA/DA.

Principal."

2. What was the date for submission of applications ? What were the prescribed qualifications ? What were the Government instructions and where were, they available for inspection ? What was the process and criteria for selection ? What was the constitution of the selection committee ? These are the few basic doubts which are bound to arise in every mind who reads the above advertisement.

3. Various eligible candidates, even of higher merit, were ignored and they have also approached the Court by filing an application for impleadment.

4. It is conceded before us that the posts of Lecturers are class-II posts and are to be filled in accordance with the Punjab Education Services (College Cadre) Class-II, Rules, 1976, upon recommendations of the Punjab Public Service Commission, hereinafter referred to as the Service Commission, as per the qualifications prescribed by the University Grants Commission, hereinafter referred to as the U.G.C., under the relevant laws. Despite Court's directions, the Government has not been able to make appointments on regular basis, though period of more than eight years has already elapsed. Various excuses have been put forward, like, there was ban on appointments, the Service Commission, not being able to fill up the vacancies and such like other excuses, but the fact remains that the State has been making part time or contractual appointments for all this period on year to year basis. In other words, the public money has been spent, posts filled up, though on contract basis and in the name of the public interest. What public interest was served by the Commission and the State in not making the regular appointments for all this period is a controversy, which we shall proceed to examine shortly.

5. This High Court in a judicial pronouncement relating to the same appointments, though in different subjects, on 27.5.1991 in the case of Charanjit Singh v. State of Punjab 1992(2) SCT21 (P&H) : 1992(1) R S J 222, noticed that regular appointments are to be made on the recommendations of the Punjab Public Service Commission while granting some relief to the petitioners in that case, gave a definite direction to the State as under :-

"Since the regular recruitment is to be made through Punjab Public Service Commission, the respondent-State is directed to expedite the matter and fill up the vacant posts on regular basis as soon as possible and, at any rate, before the end of this year. And of the petitioners who may choose to apply for the appointment on regular basis shall also be considered if he is otherwise eligible."

6. Mike Muraock says, "you will be remembered for two things; the problems you solve or the ones you create."

7. The above quotation squarely applies to the conduct of the State, as during the past eight years the State has added to these problems by perpetuating the errors and did not solve the problems of making appointments to this cadre. According to the State, the Commission had not made recommendation despite

the fact that requisition for 253 vacancies of Lecturers was sent to the Commission as back as in the year 1994 and second and third requisitions for 272 posts are under progress. But, the Commission has a different story to state. Be that as it may, we express our anguish in no uncertain terms on the conduct of the Government for not complying with the directions of the Court. Government of a welfare State is expected to function more effectively and in a disciplined manner, which would serve the larger interests of the public. Where the Government has failed to discharge its obligations as per rules and in performance of duties in making regular appointments to the 500 approximately vacant posts of lecturers in different colleges of the State of Punjab and made the students suffer, there the State has also generated avoidable litigation in the past eight years. Every year contract appointments are made and the unsuccessful candidates challenge such selections or appointments made in an arbitrary manner in furtherance to the advertisements afore-noticed.

8. The petitioners in these writ petitions are not challenging the appointments, but having been appointed in furtherance to the advertisements afore-noticed, claim :-

(a) Payment of minimum pay scale provided for regular Lecturers of the Colleges where they are working;

(b) Equal pay for equal work i.e. same pay like the regular lecturers as they are performing the same function and duties;

(c) To allow the petitioners to continue till the regular incumbents are available;

(d) Regularisation of services; and

(e) Payment of salary for summer vacations with all arrears of pay and allowances.

9. The above facts and questions of law that arise in CWP No. 1764 of 2001 are common to all other petitions which have been listed together for hearing. In these circumstances, we consider it appropriate to dispose of all these civil writ petitions by this common judgment, treating CWP No. 1764 of 2001 as the main case.

10. It is a common that all the petitioners were appointed in furtherance to the advertisement dated 25.2.2001 or similar advertisements issued earlier. There is nothing on record to show that any Selection Committee was constituted and they were appointed in accordance with the rules. In fact the Director, Department of Education (Colleges), Punjab, vide his instructions dated 28.7.1995 had informed the Principals of the Colleges. The qualification of NET/JPT was waived as provided by the U.G.C. It will be appropriate to reproduce hereunder the instructions which have been annexed as Annexure P/1 :-

"It has been decided that the vacant posts of lecturers in different Government Colleges shall be filled up by appointing lecturers on part-time basis. As you

know, the Punjab Public Service Commission takes its own time in making selections, accordingly it has become necessary to make appointments of part-time lecturers. It is because of this reason that it has been decided to give the power to the Principals to fill up the vacant posts by appointing part-time lecturers.

Those lecturers who would teach 20 or less than 20 periods shall be paid Rs. 2200/- per month. This would be certified by the Principal of the concerned college. Those lecturers who would teach 20 or more than 20 periods a week shall be paid an amount of Rs. 3500/- (Consolidated) per month. The part-time lecturers shall be appointed for the period from August 1, 1995 to April 30, 1996 on contract basis, the proforma of appointment Letter, the Joining Report and the necessary Affidavit are being enclosed alongwith this letter. It should be verified that the appointment of the part-time lecturers is on the prescribed proforma, the attendance and the affidavit be submitted. This is clarified that the affidavit on Judicial Paper of Rs. 3/- be verified. There should be no deviation in this regard.

Those part-time lecturers who are appointed during this period are exempted from NET/JPT. The remaining qualifications shall be as per the U.G.C. requirements. These directions are being issued in accordance with Government Memo : 1/57/91/IC/Special/dated 21.7.1995.

The acknowledgement of this letter may be sent."

11. Obviously, the applicants walked into the offices of the Principals as desired and get the appointments, the criteria and merit whereof would ever be a matter of concern and questionable in terms. The appointment letters which were issued to the persons like the petitioners, read as under :-

"That you are being given offer to work as part-time lecturer Geography on contractual basis. It is being made clear to you that your services can be terminated at any time without giving you any notice. This appointment will be for a period of six months and it is also made clear to you that you will be relieved immediately on the appointment/transfer of regular lecturers.

If you agree to the above said terms and conditions, you are directed to give your attendance report on the prescribed proforma on 20.8.1996 to the undersigned."

12. It is contended on behalf of the petitioners, on the strength of the above, that they have either been appointed for the first time or even repeatedly on the same post, though for a limited period, are entitled to the afore-mentioned reliefs as claimed by them. On the contrary, the respondent- State claims that they had appointed the petitioners and other lecturers, though against vacant posts available in the cadre, on the basis of a contract for a limited period, the petitioners can claim relief only as per the terms and conditions of the contract. They cannot claim any regularisation as they have no right to the posts in

question. It is conceded that one of the essential qualifications provided by the U.G.C., was waived and the appointments are not made under any relevant rules, but have been made in furtherance to the instructions (Annexure P/1) issued by the Government to the Principals. It is also conceded that the Principal is not the appointing authority for Class-II posts.

13. During the pendency of the petitions some of the applicants filed Civil Miscellaneous No. 14419 of 2001 in CWP No. 1901 of 2001 for impleadment as respondents/interveners. Along with their application they annexed reply to the writ petitions. We have heard the learned Counsel for the parties on the question of impleadment as well as on merits. We could not see any reason as to why this application should not be allowed and the applicants be not heard on merits.

14. These applicants brought certain facts on record and also have definite grievance in regard to the manner and method adopted by the respondent-State for appointments to these posts. One of the applicants Miss Achala Rani, has contended that she got 72% marks in her M.Sc. and is a gold medalist from the University. She also possesses all the qualifications prescribed by the U.G.C. and she has also cleared U.G.C. examination. Ritu Verma also contended that she is the applicant who possesses requisite qualifications and the persons of inferior merit but with influence have been given appointments in preference to her. In this regard particular reference has been made to petitioner No. 10 of Civil Writ Petition No. 1901 of 2001, namely, Raman Deep Kaur daughter of Jujhar Singh. Some of the petitioners even do not possess prescribed qualifications by the U.G.C., but still they have been given appointments over and above the applicants.

15. Learned Counsel appearing for the parties have placed reliance upon the various judgments of the Hon'ble Supreme Court as well as of this Court in support of their contentions and the reliefs claimed. According to the learned Counsel appearing for the State, they have already taken a decision to fill up all the posts, vacant or otherwise, by making regular appointments in accordance with the relevant rules. During the course of hearing, the learned Counsel had placed a letter dated 23.7.2001 on record to show that the State was making every endeavour now to fill up the vacancies and requisition for all the posts has already been sent to the Service Commission. The content of the letter dated 23.7.2001 reads as under :-

"It is for your information that the Punjab Government has taken the following decisions :-

(i) The Committee(s) for selection of Part-time lecturers would be headed by a Government Officer not below the rank of Deputy Secretary or an Officer of the Department of Higher Education not below the rank of Deputy Director (Colleges) and shall include a subject expert of the concerned subject having teaching experience of not less than 10 years.

(ii) The advertisements will be given College-wise by the D.P.I. (Colleges) so that

Colleges in the rural areas also get the services of part-time lecturers.

(iii) Requisition for recruitment of 272 posts is already with the P.P.S.C. and requisition for remaining vacant posts is being sent within a week.

(iv) The Punjab Public Service Commission has been informed that the ban on recruitment has been lifted by the State Government and it has been requested to expedite its recommendations.

(v) Academic qualifications for the part-time lecturers would be those prescribed by the U.G.C. The candidates with UGC/N.E.T./qualifications will be given preference. However, if they are not available the candidates who have not cleared the test will also be considered.

2. You are requested to inform the Hon''ble Division Bench of Hon''ble High Court for the States of Punjab and Haryana."

16. In the light of the above peculiar facts, circumstances and the rival contentions taken by the parties before this court, the most pertinent question that falls for consideration of the Court is whether the appointments of the petitioners were fair; in accordance with rules and in consonance with the public policy of the State. This is the linchpin to these cases and would also help in answering the ancillary reliefs prayed for by the petitioners.

17. We have noticed that strange kind of advertisements were given/issued by the Principal of the Colleges for making appointments to the important posts like lecturers. These advertisements indicate no qualifications/criteria to be adopted, the qualifications essential or which could be waived; who was the competent authority to make such appointments. The reference to Government instructions Annexure P.1 is again of no avail. It is the possible vaguest decision which is taken by the Government. Under these instructions it was stated that the Service Commission takes its own time in making selections and it was necessary to appoint part time lecturers and, therefore, power of appointment was given to the principals to fill up these posts.

18. No doubt, the Government has the power to make part-time, stop-gap or ad hoc appointments to bridge over certain given situations. Again, the constitution of any Selection Committee and the criteria to be adopted was not specified in these instructions. In other words, the entire matter laid in the discretion of the principals who had called upon the candidates to walk into their offices for interview. Fairness and transparency is the soul of any administrative or executive action. All such actions are open to judicial review and the present appointments are nothing but an eye wash to frustrate the spirit of the prescribed norms and rules and to make appointments in an arbitrary manner. Neither any records have been produced before us by the State nor it is averred in the petition as to what was the constitution of the Selection Committees and what criteria was adopted to make the selections. How comparative merit of the candidates was adjudged. It is also beyond comprehension as to why the State

needed to take this decision year to year and not making proper appointments in accordance with law. The Service Commission has specifically stated that there was no delay on their part and they were taking steps to fill up the vacancies and it is the Government which has not supplied the requisite sanction and funds for making these appointments. As such the State and the Service Commission are not at ad-item (ad idem ?) in regard to this stand. Different versions have been put forward in the affidavit filed by these respective authorities.

19. It is not disputed before us that these appointments are to be made on the recommendation of the Service Commission strictly in accordance with the rules and the qualifications prescribed by the U.G.C. No explanation has come forward on behalf of the State as to why the essential qualification of passing the U.G.C. examination was waived for making these ad hoc appointments which are being repeated from year to year or on contract basis. The rules under consideration do not stipulate any delegation of power for appointment or an alternative method for making appointments except on the recommendation of the Service Commission.

20. A half-hearted attempt was made on behalf of the State to justify its inaction. Financial constraints, ban on appointments and non-effective functioning of the Service Commission were pleaded as the reasons for such unreasonable delay in making the appointments to the cadre. The pleas taken by the State can hardly stand the test of validity or even reasonability. The records of the respondents themselves indicate to the contrary. The State had repeatedly incurred expenditure in making advertisements, appointments and payment of contractual charges over this long period. If the appointments were being made from year to year on contractual basis then there could be no reason as to why appointments could not be made in the regular cadre despite there being a direction from the Court. The State can hardly justify its stand. On the one hand the State was incurring heavy expenditure continuously every year, on the other hand, it also generated substantial avoidable litigation in this regard.

21. There can be no doubt that a State can always make ad hoc or stop-gap arrangements by issuing appropriate instructions, even if the rules do not contemplate such a situation. But this settled principle of law can be of some help to the State only if instructions issued are in conformity with the basic canons of service jurisprudence and do not offend the provisions of Articles 14 and 16 of the Constitution of India.

22. Absence of laying down proper criteria, proper Selection Committees, qualifications and other regulatory measures which must be taken into consideration by the empowered authority while making the appointments, makes the circular of the State Government as well as the advertisement arbitrary and unreasonable at the face of it. It has amounted to denial of fair opportunity and right of consideration to the majority of the petitioners. The interveners have made allegations of mala fides as well as no consideration in accordance with law. The reply filed on behalf of the State does not provide any

reasonable or appropriate explanation for this hazardous act.

23. We have already noticed that the State has the power and authority to make ad hoc or contractual appointments, depending upon its needs and its other limitations. But, every eligible person has a right to be considered for such appointment. These appointments must be made in a fair manner and upon consideration of all the eligible candidates. Normally we would have permitted the lecturers appointed on ad hoc basis to continue till regular incumbents join as we have already held that the petitioners were appointed in most irregular, unfair and arbitrary manner by the authorities and that too without affording proper opportunity of consideration to all eligible candidates. We are constrained to pass the directions to the contrary. In this regard reference can be made to the judgment of the Hon''ble Supreme Court of India in the case of State of Haryana and others Vs. Piara Singh and others etc. etc., and the judgment of a Division Bench of this Hon''ble Court in the case of Sikander Singh and Ors. v. Punjab School Education Board, Mohali, CWP No. 3222 of 2000, decided on 12.7.2000.

24. We may also notice here that continuance of such adhocism has always been deprecated by the Courts. Such ad hoc or contractual appointments do not serve any public purpose. On the contrary, they prove to be counter productive for imparting proper education in colleges. The State ought to have lifted the artificial wheel (veil ?) created by its own acts and should have made appointments to the regular cadre. At this stage we may also notice that judgment of a Division Bench of this Court, rendered in similar circumstances, we challenged before the Hon''ble Supreme Court of India. The respondent-State itself relies upon that judgment and copy whereof has been annexed to the reply as Annexure R/1 The three Judges Bench of the Hon''ble Supreme Court of India vide its order dated 20.12.1991 in the case titled as State of Punjab and Ors. v. Surinder Kumar and Ors. 1992(1) SCT 538 (SC) : Civil Appeal No. 5060 of 1991 (Arising out of SLP (Civil) No. 14229/91) held as under :

"This SLP is directed against the order of the High Court dated 4.4.1991 disposing of a writ petition filed by the present two respondents. The entire judgment reads thus :

"On the facts and circumstances of the case, we are of the opinion that the just and fair order should be that the petitioners who have been appointed on part-time basis should be continued until the Government make regular appointments on the recommendations of the Public Service Commission. Meanwhile the petitioners will get their salary for the period of the vacation."

"A decision is available as a precedent only if it decides a question of law. The respondents are, therefore, not entitled to rely upon an order of this Court which directs temporary employee to be regularised in his service without assigning reasons. It has to be presumed that for special grounds which must have been available to the temporary employees in those cases, they were entitled to the relief granted. Merely because grounds are not mentioned in a judgment of this

Court, it cannot be understood to have been passed without an adequate legal basis therefor. On the question of the requirement to assign reasons for an order, a distinction has to be kept in mind between a court whose judgment is not subject to further appeal and other courts."

"It is true that the High Court is entitled to exercise its judicial discretion in deciding writ petitions or civil revision applications but this discretion has to be confined in declining to entertain petitions and refusing to grant relief asked for by petitioners, on adequate considerations; and it does not permit the High Court to grant relief on such a consideration alone.

We, therefore, reject the argument addressed on behalf of the respondents that the High Court was entitled to pass any order which it thought fit in the interest of justice. Accordingly we set aside the impugned order and allow the appeal, but in the circumstances without costs."

25. In the light of the above discussion, now we would proceed to discuss what relief can be granted to the petitioners. The letters of appointment which were issued to the petitioners were for a fixed tenure for varied periods ranging from two months to ten months. The appointment offered was of a part time lecturer in a subject on contractual basis. The services could be dispensed with without giving notice. The petitioners were told that if they agreed to the terms and conditions provided in the letter and circular of the Government, they should submit their consent. Obviously, the petitioners accepted those terms and gave their joining reports without protest or demur.

26. There is substance in the submission made on behalf of the State that the petitioners should be governed and they can claim relief only within the terms of the contract and they have no vested right to the post, even though there are vacant posts available in the regular cadre of lecturers. Though it is not fair on the part of the State to make such appointments and without following the proper course prescribed for regular appointments, yet the appointments which the petitioners have been given are certainly contractual in their nature and do not vest any indefeasible right in them. The State is free to make appointments as a matter of policy to a particular cadre and under a given arrangement, but the actions must be fair and in accordance with the relevant rules. Reference in this regard can be made to the judgment of the Constitution Bench of the Hon"ble Supreme Court in the case of Satish Chandra Anand Vs. The Union of India (UOI), and Patna University and Another Vs. Dr. Amita Tiwari (Mrs.), The petitioners were not appointed in accordance with rules and through proper channel on the recommendations of the Service Commission. According to the respondents the petitioners are not entitled to regularisation or even the minimum of the pay scales because their appointments were not made on regular basis by following due process. Their qualifications are not at par with the qualifications of the lecturers who are appointed on regular basis.

27. In paragraph No. 3 of the written statement, the respondents have stated

five basic distinctions between regular lecturers and part-time lecturers. The points as a result of which they cannot be equated read as under :-

"That the part time lecturers cannot be equated with the regular lecturers due to reasons given below :-

Part-time Lecturers Regular Lecturer 1. That part-time lecturers The Regular lecturers are recruited by are recruited by the con- the Punjab Public Service Commis- cerned Principals of the sion on the basis of all India advertise- College on local basis. ment. 2. The part-time lecturers It is mandatory for regular lecturers to are not required to possess have U.G.C. qualifications. UGC qualifications. 3. Part-time lecturers are at The regular Govt. College lecturers liberty to take up any other are governed by civil services rules job or profession and there and are debarred from doing any other is no bar from the Govt. on profession, their doing so. 4. The job of part-time lee- A regular lecturer can be transferred turer is non -transferable. to any college. 5. No formal approval of a A regular lecturer has to get approval part-time lecturer is re- of his appointment from the con- quired from the University, cerned University with which the college is affiliated."

28. The [earned Counsel for the petitioner relied upon the judgments of the Supreme Court in the cases of Vijay Kumar and others Vs. State of Punjab and others, State of Punjab and Ors. v. Mini Chawla 1998(2) SCT 689 (P&H)(DB): 1998(2) R S J 637; Shamsheer Singh and Ors. v. State of Haryana and Ors. 1998(4) RSJ 708; and Bhagwan Dass and Others Vs. State of Haryana and Others, and contended that keeping in view of the nature of appointment of the petitioners, they have a legal right to continue and to claim minimum of the pay scale. Keeping in view the facts and circumstances of the case, the judgments relied upon by the learned Counsel for the petitioners are not of much help to them.

29. Having considered the matter from all aspects, we are of the considered view that in the facts and circumstances of the present case, the petitioners are not entitled to the relief of regularisation as they have no right to the post. Furthermore, they cannot claim minimum of the regular pay scale also because their appointments were for such short tenure and were controlled by the terms and conditions of the contract. Having entered into the contract with their eyes open, they cannot be permitted to turn back and raise a claim for regularisation just because they were appointed for a short term once or even after some interval again. It is more so, when their appointments were not made fairly and judiciously.

30. The learned Counsel for the petitioner while relying upon the judgment of the Supreme Court in the cases of Rattan Lal and Others Vs. State of Haryana and Others, and Sri Rabinarayan Mohapatra Vs. State of Orissa and others, submitted that they are entitled to the salary during the summer vacations, which is being denied to them by the respondents without any justification. On

the other hand, learned Counsel for the state contends that their appointments were for a short term and appointments have come to an end by efflux of time and they cannot claim salary for the vacation period, which is given to the lecturers appointed on regular basis. At this stage we must notice that a Division Bench of this Court (Hon"ble Mr. Justice N.K. Sodhi and Hon"ble Mr. Justice R.C. Kathuria) while issuing notice of motion on 6.2.2001 had passed the following order :-

"C.M. allowed as prayed.

Notice of motion for 22.5.2001.

Meanwhile services of the petitioners will not be terminated at the end of the academic session."

31. The above interim order continued till the judgment was reserved. Admittedly, the petitioners were in employment on the date of passing of the interim order and continue to be in employment till date. In other words, they have taught the students and performed their duties under the terms of the agreement after the interim order and would continue to be in employment by legal fiction. The colleges have reopened and they are in employment. In these circumstances and keeping in view the observations of the Hon"ble Apex Court, we are of the considered view that the petitioners are entitled to receive payment even for the intervening summer vacations only for this academic session.

32. The State Government and the Service Commission have chosen to blame each other for this inordinate delay in making the appointments. According to the Service Commission, whenever they wanted to make recommendations after following the due process, the State Government stopped them from acting and did not even provide funds. On the other hand, the State Government blames the Service Commission for not acting with required expeditiousness. Be that as it may, we do not consider it necessary to go into this controversy and would require the State to fully co-operate with the Service Commission for proceeding and finalising the appointments to the posts in question. The Service Commission should act with utmost expeditiousness and State should provide all co-operation and help including financial sanctions etc. at its earliest.

33. As the impropriety in the entire mechanism adopted for making the appointments is apparent on the face of the record, we cannot permit the petitioners to continue in employment till the regular incumbents are appointed in accordance with law. There are nearly 500 vacancies and as per the affidavit filed by the Service Commission, they would need at least 4 to 5 months to make the appointments. The Government would take its own time to make appointments even after the recommendations are sent by the Service Commission. From the arguments of the learned State counsel it was clear that the respondents are likely to take a period of one year or even more for completing the entire process for selection and appointments to the posts of

lecturer in the regular cadre of services. It will not be fair for the Court to permit the petitioners to continue till that time because we have already held that their appointments are violative of Articles 14 and 16 of the Constitution of India.

34. But, at the same time, we are conscious of the fact that the colleges have to be run and in order to protect the interests of the innocent students, it is imperative for the Court to pass certain directions in this matter. We feel it appropriate that the Government should be bound by its letter dated 20/23.7.2001, with certain modifications and they are directed to make appointments within the shortest period.

35. In the facts and circumstances of these cases, while partly allowing the writ petitions of the petitioners limited to the extent indicated in this judgment, we issue the following directions :-

(a) The claim of the petitioners for regularisation, minimum of the pay scale as well as to continue till regular incumbents are appointed, is rejected.

(b) Where the Government has miserably failed to comply with the previous directions of the Court and then even the Punjab Public Service Commission has not acted with required pursuation and expeditiousness, we now direct both these authorities to fill up the 500 vacancies of lecturers on regular basis in the regular cadre as expeditiously as possible and in any case within a period of one year from the date of pronouncement of the judgment.

(c) Till the regular incumbents appointed upon proper recommendation of the Service Commission in accordance with the rules, the Government shall make ad hoc appointments in accordance with the terms of its own policy decision dated 20/23.7.2001. The Committees for making the appointments to ad hoc part time lecturers would be presided over by the Director, Public Instructions (Colleges), or his nominee of the equivalent status. The Expert would be called from the Universities in the States of Punjab and/or Haryana, as the Government may choose. The Vice-Chancellor of the concerned University would nominate the Expert. The Principal of the concerned college would be Member Secretary Organiser of the Selection Committee and would be entitled to participate in the deliberations.

(d) The views of the Expert shall be given due weigh-tage and minutes of the Selection process be recorded and signed by the Members.

(e) These appointments would be made by the Selection Committees constituted by the Government within a period of 30 days from the date of pronouncement of this judgment.

(f) The petitioners would be entitled to continue till the period of 30 days or appointments of ad hoc part-time lecturers, which-ever is later in time.

(g) Clause (v) of the letter No. 10/30/2001-1/C-1/13994 dated 20/23.7.2001, filed on record by the Government shall be strictly adhered to.

(h) The petitioners are entitled to receive salary for the summer vacations, as indicated above, on their contractual rates.

(i) The State shall also release salaries of all the lecturers including the petitioners, for the period for which they have worked or continue to work in terms of the above directions. Here we may note that the petitioners were compelled to file contempt petition(s) as the salary was not released. We direct that the State will not commit such default and shall make the payments within 30 days from today or the date on which the petitioners or any person like the petitioners, is relieved of his duties.

(j) As the State and the Universities have limitation of deployment and in order to avoid constitution of large number of Selection Committees and also to avoid delay in appointment, we direct that Selection Committees shall meet at divisional head-quarters. The Selection will be made by the Committees at divisional level, but with reference to appointment of an applicant to a particular college and subject, on the basis of merit awarded by the Committee. The Selection Committee will recommend and Government will make appointment and fill up such number of vacancies as are necessary to bridge the situation presently existing. The writ petitions are accordingly disposed of in the above terms. Leaving the parties to bear their own costs.

36. Petitions partly allowed.