

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A.No.060/1312/2017



Chandigarh, this the 30th day of January, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

HON'BLE MRS. NAINI JAYASEELAN, MEMBER (A)

Dr. (Mrs.) Pritpal Kaur wife of late Sh. Harbhajan Singh
Halwarvi, resident of H. No. 5641, Sector 38, West,
Chandigarh.

...Applicant

(BY: MR. A.S. Walia, ADVOCATE)

Versus

1. U.T. Administration through Secretary Education, U.T. Chandigarh, U.T. Secretariat, Sector 9, Chandigarh.
2. Director Public Instructions (Colleges) U.T. Chandigarh, U.T. Secretariat, Sector 9, Chandigarh.
3. Government College of Education, Sector 20, Chandigarh through its Principal.
4. University Grants Commission through its Chairman, Bhadurshah Zafar Marg, New Delhi 110002.

.. Respondents

(BY: MR. A.S. Walia, Advocate for Respondent no. 1

Mr. Rohit Sharma, Advocate for Respondent no.1-3.

Mr. Salil Sablok, Advocate for Respondent no. 4.

O R D E R



Naini Jayaseelan, (Member) (A):

This Original Application (O.A.) has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer.

- “i) Summons the complete records of the case.
- ii) Issue directions to respondent no. 1 and respondent no. 2 to refix the pay/pension of the applicant giving her benefit of two advance increments due to her upon the completion of Ph.D during service.
- iii) Any other relief which this Hon’ble court may deem fit and proper in the facts and circumstances of the case be granted in favour of the applicant.
- vi) Costs of the petition may kindly be awarded in favour of the applicant.”

2. It is the contention of the counsel for the applicant that she is entitled two advance increments on account of her completing her Ph. D. during service in accordance with the extant rules.

3. We have heard learned counsel for the respective parties and carefully gone through the material available on record.

4. Reply statement has been filed on behalf of Chandigarh Administration (Respondents no. 1-3) and



separate written statement on behalf of UGC (respondent no. 4).

5. It is stated in reply of U.T. Chandigarh Administration that as per Rule 3.26 of Punjab Civil Services Rules Vol. I, Part I, the applicant retired on 31.5.2013 on attaining the age of superannuation i.e. 58 years. Six months extension in service w.e.f. 1.6.2013 to 30.11.2013 beyond date of retirement was granted to applicant vide letter dated 7.12.2012 issued by the Department of Personnel, Chandigarh. The extension in service was granted after seeing the ACR Dossiers for the last 5 years. Again further extension in service for the period of another one and half year beyond 30.11.2013 was granted to the applicant. It is stated in their reply that the applicant filed CWP NO. 9947 of 2015 before Hon'ble Punjab and Haryana High Court with a prayer to direct the respondent department to allow her to continue in service till age of 65 on the post held by her. The Hon'ble High Court granted interim order dated 28.5.2015, allowing the applicant to continue in service. However, on 24.12.2015, the Hon'ble High Court vacated the stay granted and transferred the said CWP to this Tribunal. This Tribunal decided the case on 5.5.2016 by dismissing the same in default on account of non-prosecution.



6. The counsel for the applicant contends that the applicant has acquired the Ph. D. Degree on 19.12.2013. However, the counsel for the respondents contends that since the degree was acquired after her retirement, therefore, she is not entitled to two advance increments, as prayed for in the O.A.

7. The UGC in their reply statement has also stated that the applicant has completed her Ph.D. on 19.12.2013, i.e. after the applicant retired and, therefore, the applicant is not entitled for any advance increment on account of acquiring a Ph. D. As per UGC notification, 1998 (Annexure A-3) "*6.4.0 A teacher will be eligible for two advance increments as and when she/he acquires a PH.D degree in her/his service career.*" The applicant was not on the role and active service of the universities/college on the date of consideration by the Selection Committee for selection and hence the applicant is not entitled for benefit of advance increments on acquiring her Ph.D. Degree as prayed by her.

8. In view of above, the O.A. is dismissed with no order as to costs.

(Naini Jayaseelan)
Member (A)

Place: Chandigarh
Dated: .01.2020
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(Sanjeev Kaushik)
Member (J)

