

PANJAB UNIVERSITY, CHANDIGARH

Minutes of the meeting of the **SENATE** held on **Friday, 29th December 2023 at 11.00 a.m.** in an online mode.

PRESENT:

1. Professor Renu Vig ... (in the Chair)
Vice Chancellor
2. Shri Amandeep Singh Bhatti, DHE, Chd.
3. Professor Amarjit Singh Naura
4. Ms. Amrit Singh, IAS, DHE Punjab
5. Dr. Amit Joshi
6. Professor Arun Grover
7. Professor Ashok Kumar
8. Shri Davesh Moudgil
9. Dr. Dayal Partap Singh Randhawa
10. Professor Devinder Singh
11. Dr. Dinesh Kumar
12. Professor Gaurav Gaur
13. Shri Gurjot Singh Malhi
14. Dr. Gurmeet Singh
15. Dr. Harjodh Singh
16. Professor Hemant Batra
17. Shri Honey Thakur
18. Dr. Inderpal Singh Sidhu
19. Professor Jagat Bhushan
20. Shri Jagdeep Kumar
21. Dr. Jagdish Chander
22. Dr. Jagtar Singh
23. Dr. Jagwant Singh
24. Professor Jatinder Grover
25. Dr. Jatinder Kaur
26. Dr. Jayanti Dutta
27. Dr. Kirandeep Kaur
28. Dr. Krishan Gauba
29. Dr. Kuldeep Agnihotri
30. Shri Lajwant Singh Virk
31. Dr. Latika
32. Professor Mukesh Kumar Arora
33. Dr. N.R. Sharma
34. Shri Naresh Gaur
35. Dr. Neeru Malik
36. Dr. Neetu Ohri
37. Dr. Nidhi Gautam
38. Dr. Parveen Goyal
39. Shri Prabhjit Singh
40. Professor Prashant Gautam
41. Dr. Priyatosh Sharma
42. Professor Rajat Sandhir
43. Dr. Rajesh Kumar Mahajan
44. Professor Ravi Inder Singh
45. Professor Rumina Sethi, DUI
46. Dr. Sandeep Kataria

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47. Shri Satya Pal Jain
48. Professor Savita Gupta
49. Dr. Shaminder Singh Sandhu
50. Dr. Shiv Kumar Dogra
51. Professor Sonal Chawla
52. Professor Sukhbir Kaur
53. Professor S.K. Tomar
54. Professor Sushil Kansal
55. Professor Yojna Rawat
56. Professor Y.P. Verma ... (Secretary)
Registrar

The following members could not attend the meeting:

1. Adviser, Union Territory, Chandigarh
2. Professor Akhtar Mahmood
3. Sardar Amritpal Singh Sukhanand
4. Dr. Aruna Goel
5. Dr. Arvinder Singh Bhalla
6. Dr. Balbir Chand Josan
7. S. Bhagwant Maan
8. S. Harjot Singh Bains
9. Professor Harmohinder Singh Bedi
10. Shri Harpreet Singh Dua
11. Dr. Gurmit Singh
12. Dr. K.K. Sharma
13. Shri Kapil Sharma
14. Smt. Kirron Kher
15. Chief Justice Punjab & Haryana High Court
16. Shri Manish Wayyer
17. Dr. Nisha Bhargava
18. Sardar Ranbir Bhullar
19. Shri Ravinder Singh
20. Dr. Rupinder Kaur
21. Shri Sandeep Singh
22. Shri Sanjeev Kumar Bandlish
23. Dr. Savita Kansal
24. Shri Simranjit Singh Dhillon
25. Shri Som Parkash
26. Dr. Suresh Kumar
27. Dr. Surinder Singh Sangha
28. Shri Varinder Singh

At the outset, the Vice Chancellor said, "I welcome all the Members of Senate and wish a very Good Morning to all".

I. The Vice Chancellor said, "With a deep sense of sorrow, I may inform the honorable members about the sad demise of –

- i) Dr. Ujjagar Singh Sehgal, former Chairman, Centre for Distance and Online Education, on 29.11.2023.
- ii) Dr. Ram Prakash, Department of Chemistry, on 13.12.2023.
- iii) Shri S.C. Tewari, Deputy Registrar (Establishment), on 17.12.2023."

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The Senate expressed its sorrow and grief over the demise of Dr. Ujjagar Singh Sehgal, Dr. Ram Prakash and Shri S.C. Tewari and observed two minutes silence, all standing, to pay homage to the departed souls.

RESOLVED: That a copy of resolution be sent to the members of the bereaved families.

II.

The Vice Chancellor said, "I am pleased to inform the honourable members of the Senate that Global Alumni Meet was organized on December 23, 2023. More than 1000 alumni participated in the meet. Distinguished alumni like Dr. Ajay Sood, Dr. Kiran Bedi, Dr. Arun Verma and Dr. Vandana Shiva and many more attended the alumni meet. I am thankful to Hon'ble Vice-President of India and Chancellor Panjab University, Shri Jagdeep Dhankhar Ji and Dr. Sudesh Dhankhar Ji, for gracing the occasion".

RESOLVED: That the information given by the Vice Chancellor in her statement, be noted.

III.

Item C-1 on the agenda was read out, viz. –

C-1.

In terms of orders of Hon'ble Court dated 18.10.2023 (**Appendix-**) the recommendation of the Syndicate dated 31.07.2011 (Para 48), related to Dr. Sukhwinder Singh (Professor), be considered.

- NOTE:**
1. While passing the above said orders, the Court had also ordered that the recommendations of the Syndicate dated 31.07.2011 (Para 48) be placed before the Senate for final decision within a period of 4 weeks and the final decision as may be taken by the Senate be placed before the Court on or before the next date of hearing, and the next date of hearing was on 21.11.2023.
 2. The University through its Counsel, Mr. Akshay Goyal, Advocate, had filed a L.P.A. before the Hon'ble Court requesting that the process for conducting a meeting of the Senate has been initiated by the University and the said meeting has been scheduled to be held on 29th December, 2023 which will be attended by 85 members. Extension had been sought on the plea that it is not that the applicant has not initiated the process for holding a meeting, but the only grievance is that information has to be given to 85 members. The Court accepted the request and ordered, "operation of order dated 21.11.2023 qua dismissal of the application for extension of time, shall remain stayed" (**Appendix-**).
 3. The Vice Chancellor in accordance with the decision of the Senate dated 27.03.2022 (Para VIII) had constituted a Committee to examine

the case of Professor Sukhwinder Singh, UIET, regarding his absorption/ regularization in P.U. Service, the recommendations of the Committee are enclosed (**Appendix-**).

4. A detailed chronological office note was enclosed (**Appendix-**).

The Vice Chancellor said that they have received an e-mail from Professor Arun K. Grover stating that he would like to give input relating to the case of Professor Sukhwinder Singh, as he is well versed with the facts of his case. She requested Professor Arun K. Grover to apprise the House.

Professor Arun K. Grover stated that he had submitted a note to the Vice Chancellor with the request that he was not present in the last meeting of Senate held on 22nd March, 2022. He was the Vice Chancellor of this University from 2012 to 2018 and he got confronted with this matter for the first time as a Vice Chancellor, when a letter was received from his (Dr. Sukhwinder Singh) previous Organization, i.e., Sant Longowal Institute of Engineering & Technology (SLIET), Longowal, District Sangrur, stating that his bond could not be transferred to Panjab University because they presumed that Panjab University is a State University and the Ministry of Human Resource & Development (MHRD) had opined that the bond could not be transferred from a centrally funded Institute to a State University. It is at that stage when he started looking into the matter carefully and he figured it out that Professor Sukhwinder Singh at the time of submitting his application to Panjab University had got forwarded his application from his parent institution and he had been selected through a duly constituted Committee. However, he was under a condition that he had signed a bond for serving the SLIET for six years after availing the study leave and the bond was to end in 2011. Hence, he (Dr. Sukhwinder Singh) had requested the SLIET that his bond be transferred to Panjab University, but his parent Institution did not have adequate parity and did not permit the transfer of bond immediately. It is a long story and the details are available with all the Hon'ble members. Ultimately, a via-media was found via a Committee appointed by the then Vice Chancellor and he was taken on deputation from SLIET and the deputation had the endorsement of the parent institution. This is how he joined Panjab University after a gap of six months. Initially, he was on deputation for a period of one year and the deputation was extended and the Senate in its March, 2009 meeting had given the acceptance to his deputation, because the parent institution had agreed to send him on deputation. The last decision of the Senate is, he is a member of the University on deputation without any deputation allowance. Later on, the deputation was extended in the Syndicate meeting held on 31st July, 2011 with certain recommendation namely that he should be absorbed in the University service from 2009 i.e., the date of his joining. This was the situation at that time and the matter was not taken to the Senate after 31st July, 2011. In the meanwhile, Panjab University wanted his relieving from SLIET and he also wanted to get himself relieved. During his negotiations for relieving, in March, 2012, the Board of Management of SLIET came up with the resolution that they had enquired from MHRD and conveyed that the bond is not transferable. Presumably, the bond could not be transferred from a centrally funded institute to a State Institute. It is in that backdrop that they received the letter in August, 2012 and he contacted the then Chairman of Board of Management of SLIET and he impressed upon him that he is well aware that his own Colleges are affiliated to Panjab University and he (Professor Grover) had visited his Colleges as Vice Chancellor of Panjab University. He impressed upon him to get Dr. Sukhwinder Singh relieved from SLIET, but he was very reluctant because he said that Dr. Sukhwinder Singh is a very good teacher and his Institute had also a shortage of teachers of Computer Science. The SLIET in good faith had granted him study leave to do Ph.D. at IIT, Roorkee, and the Ph.D. had

enabled him to become an applicant for the post of Professor at Panjab University. He felt that Dr. Sukhwinder Singh should not have insisted on applying at all. His view was that he should have served the SLIET before trying to move. The matter had already passed beyond that stage as he had already applied and his application was forwarded by the Institute, he had come on deputation. The only issue was that he should get relieving letter from SLIET and get his dues settled. The settlement of dues at SLIET had the complication that if he was on deputation, the receiving Institution is required to transfer certain amount of money. He knew all this because he himself had gone through this process. But this process had not been undertaken in the case of Dr. Sukhwinder Singh. In the backdrop of this non-clarity, his dues could not be settled at SLIET. Hence, he had written to the Secretary, MHRD on 14th of May, 2013 requesting Shri Ashok Thakur to intervene and see that this matter is resolved because, after all, Panjab University is a Centrally Funded Institution, though it is an Inter-State Body Corporate. When he came, there was an understanding that the entire deficit of Panjab University after adjusting the internal income and the contribution of Punjab Government, the rest of the deficit was to be met by the Central Government. As such, they were notionally a Centrally Funded Institution. So, *prima facie* the bond was transferable and if the bond was transferable, Dr. Sukhwinder Singh should have been allowed to join Panjab University with a transferred bond. If the transfer of bond had happened, the bond period would have ended by 31st of July, 2011. If all these things had happened and the bond had been transferred, he would have not only joined the University from 2009 and would have also got confirmed at the end of one year. As per Panjab University Service conditions, one could delay the confirmation for one more year, and if the confirmation had not happened at the end of one year, but under any condition at the end of two years, he would have been deemed to be confirmed. Had there been clarity of understanding on the part of SLIET, all these things would not have happened. Had he been relieved by SLIET with the transfer of bond, he would have joined the University in November, 2008. Had the bond been transferred, these things (problem of seniority etc.) would not have happened. All these things are the things of the past. When he wrote to the Secretary, MHRD, he *prima facie* did not receive any reply from him and he asked Dr. Sukhwinder Singh to go to the MHRD himself and try to impress upon the MHRD officials that something needed to be done, so that he could get a formal relieving from SLIET and settle the dues and his services could re-commence in a new way at Panjab University, if the bond is not transferable, whereas actually, the bond was transferable. Time goes by and in May of year 2015, there was a new Chairman of Board of Management of SLIET, the matter was placed before him and he considered the same. In one of the meetings of the Board of Management, they said that matter has once again been referred to the MHRD to resolve the issue and in that it had been recorded that the bond *per se* is transferable and as per the MOA with the SLIET as early as 1985, the bonds are transferable, but the final decision on it ought to come from the MHRD, when it comes to a transfer of a bond. Hence, he wanted a clarity from the MHRD for this to be effected. And they all are aware that the summer of 2015 turned out to be a very turbulent time for Panjab University because the Panjab University had to renegotiate its financial understandings with the Central Government, in the backdrop of Central Government having asked for a Fact-Finding Inquiry as to how Panjab University had been managing its financial affairs over the last 25 years. So they had to convince the Central Government that they had been adhering to the norms of governance, when an Institution received funding from the Central Government. That Fact-Finding went on and sometimes, they faced few hick-ups, but at the end, the Central Government relented that yes Panjab University had been doing the things more or less perfectly. The Government had one concern that the University had not implemented the actual way of accounting as the University was still going by the old way of managing its accounts, and the Government wanted the University to shift over to the professional way of accounting. Hence, they adopted a new accounting manual in 2013, but one or two of the recommendations, they had not yet implemented. Hence, in view of the directions of the

Central Government, they agreed to implement all that and the things started to move forward. In the meanwhile, there was a Public Interest Litigation (PIL) and in view of that PIL, few unfortunate things happened, and the University faced a financial crunch because temporarily before the things were settled, the Central Government imposed that they would not be able to give the University any more money than what they had given it in the past plus an eight per cent annual increase. This had been agreed in the year 2013. Shri Satya Pal Jain is here with them and he is fully aware as how the University Grants Commission (UGC) had filed a petition in the Supreme Court against the directive of the Punjab & Haryana High Court that the UGC should give the University an amount, so that it could continue to pay to its employees, etc., etc. At the end of it, the Hon'ble Supreme Court gave a directive, after an affidavit was filed, on behalf of the Union Government representative, that the Centre from now onwards would pay the University a sum of Rs.205 crore, which is equivalent to the salaries of all the teachers plus 1.1 times the sanctioned strength of teaching posts, that many number of non-teachers because the Central Government, when it gave money to the Centrally Funded Institutions, had a certain formula and did not pay more than 1.1 times the salaries of the non-teachers. They got money, which they were asking for, but the character was different. Earlier, they were receiving, whatever was their deficit, but now the deficit was specifically stated that this deficit was towards paying the salaries of teachers and 1.1 times for non-teachers and they were asked to adhere to certain conditions during the next five years and the things started to move. Sometimes in 2017, the Government of India sent an old order of 2014 related to how people should go from institution to another on lien, deputation, etc., and these orders were also to apply to the academic staff of the University. Now, they have within the Panjab University system, a policy as to how the people have to be taken on deputation in various circumstances. There are detailed guidelines of the Union Government for the institutions which receives grants from the Central Government. The Panjab University also accepted the directives of the Central Government. In that backdrop, the matter was once again taken up with SLIET and they were asked to relieve Dr. Sukhwinder Singh. They could see that from 2012 to middle of 2017 had come and the resolution of Syndicate meeting dated 31st July, 2011 did not get place before the Senate at all. He has no hesitation in accepting the lapse on his part because he should have placed the matter before the Senate for information. The Senate might not have taken any decision, but on hindsight, he does feel that he should have intimated the Senate about the status of the case of Dr. Sukhwinder Singh, before the end of his term. Sometimes in January, 2018, a series of letters were again written to SLIET stating that this matter be settled because going back of Dr. Sukhwinder Singh to SLIET at that stage was practically not possible as he was serving in the University for all these years. Hence, some rational via-media had to be found. The year 2018 had also elapsed and the transition of Vice Chancellor also happened in Panjab University. Then his successor confronted with this issue when a letter arrived in 2019 from SLIET stating that they were relieving him with effect from 2009. They did not relieve him after the expiry of deputation period and instead they relieved him from 2009. If they were relieving him from 2009, then effectively, they had relieved him as if the bond is transferable, but the bond had actually not been transferred, rather the bond period had actually got over. It is in that backdrop that his successor was confronted with all these things and he sought a legal opinion before taking the matter to the Syndicate. He decided to take the matter to the Syndicate first and not to the Senate because a Committee headed by the then Dean of University Instruction namely Professor R.K. Kohli, which he (Professor Grover) had appointed, had dealt with the matter in detail and made certain observations. At the end, the Committee had recommended that the matter should go to Syndicate first because it had observed that the issue related to inter-se seniority could arise. Though the report did not say explicitly, but it was clear that they had in minds that certain people had been appointed Professors under the CAS in the year 2011 itself including the present Director of University Institute of Engineering & Technology and the Senate had approved their appointments in December 2011. If Dr. Sukhwinder Singh is appointed

as Professor from 2009, then he would become senior to these two Professors namely Professor J.K. Goswamy and Professor Sanjeev Puri whose appointment under CAS were approved by the Senate from the year 2010, and if the bond is transferable, then Dr. Sukhwinder Singh is also senior to these two persons. However, if the bond is non-transferable and his (Dr. Sukhwinder Singh) absorption is done at the end of the deputation period, these two people are senior to Dr. Sukhwinder Singh. Since his successor wanted a clarification on all these things, he sought a legal opinion in 2019 before taking the matter to the Syndicate in 2019. All the agenda papers which the members had received contained the detailed information about all these things. 2019 was a very crucial period because the then Director of University Institute of Engineering & Technology, was to relinquish the charge in 2020 and the question was as to who would be the Director of University Institute of Engineering & Technology. As per seniority, there was a tussle between Dr. Sukhwinder Singh whose relieving had come w.e.f. 2009 and he would rightfully claim that since the relieving had come, which was the main issue, his service and seniority should be counted from 2009. But the Senate had not approved all these things related to Dr. Sukhwinder Singh. Hence, Dr. Sukhwinder Singh filed a case in the High Court claiming his seniority etc. In that backdrop, December, 2020 arrived but the Senate had not decided his case and there was no finality to his case. Resultantly, his successor appointed Professor J.K. Goswamy as Director of University Institute of Engineering & Technology w.e.f. 27 December, 2020. The day before, the term of the Director, University Institute of Engineering & Technology had come to an end. They are meeting today on the directions of the High Court that the Senate must take a decision on the issue. In the meanwhile, his successor had also sought a legal opinion before appointing Professor J.K. Goswamy as Director of University Institute of Engineering & Technology. The legal opinion received from Shri Anupam Gupta, which is before them, stated that he has gone through all the related documents and is of the opinion that since the money got transferred and financial issues are involved, R.A.O. could have genuine concerns, how could there be finality to a person appointed on deputation if the financial matters related to him are not settled. As such, he (Shri Anupam Gupta) recommended that let Dr. Sukhwinder Singh be part of the Panjab University from 2009, but with regard to his P.F. benefits etc., they should also be from 2009, but in terms of seniority, he should be considered from the date his deputation period ended i.e., 31.07.2011. If they accept the legal opinion of Shri Anupam Gupta, which the Vice Chancellor had dutifully asked for his own clarity, then the decision of the Senate could be "that Dr. Sukhwinder Singh be made a part of the University from the date he joined in 2009, but for the purpose of seniority he be considered from 01.08.2011. But all these things got into a conflict, because a Committee, which was appointed by the present Vice Chancellor had also went into all these things and had very rightly concluded that his (Dr. Sukhwinder Singh) joining/absorption in Panjab University should be considered from 2009 because he had been relieved too from the back date by the SLIET. The report of the Committee had also been submitted to them. In some sense, the Committee had apparently made contradictory recommendations and he believed that it is the duty of the Senate to rationalize all these things in the interest of the University, so that these conflicts do not traverse further. If they did not go back to 2009 and appoint Dr. Sukhwinder Singh as next Director of University Institute of Engineering & Technology from today, Dr. Sukhwinder would be at loss, and if they go back, there would be a grievance from Professor Sanjeev Puri, who had been appointed Professor in 2010 with the approval of the same Senate of 2011 in which the appointment of Professor J.K. Goswamy was approved. If Professor J.K. Goswamy could become Director of University Institute of Engineering & Technology before Dr. Sukhwinder Singh, why Professor Sanjeev Puri could not? Professor Sanjeev Puri could feel aggrieved and could be tempted to approach the Court. Then, it could be seen that the Senate had not applied its mind to resolve the matter. Since these are academic matters, he personally believed that as the Senate had the entire responsibility regarding the academic administration; it should consider

everything in view of long term interest of the University. Hence, he would like to recommend that though Dr. Sukhwinder Singh would have a lot of agony and he (Professor Grover) personally regretted that to some extent if he had taken the matter to the Senate and had he attended the meeting of the Senate in March, 2022, maybe the Acting Chief Justice of High Court might not have been troubled to give such a directive to the University. While offering his personal regrets to Dr. Sukhwinder Singh, he still recommends that Senate accepts his seniority from 01.08.2011 and he would like to appeal to Dr. Sukhwinder Singh not to precipitate the matter further and accept gracefully that the Vice Chancellor should appoint Professor Sanjeev Puri as the next Director of the University Institute of Engineering & Technology.

Professor Savita Gupta said that Professor Arun K. Grover has fully apprised the House about the case in detail. However, she did not agree with the view of Professor Grover that the seniority of Dr. Sukhwinder Singh should be considered from 01.08.2011 because he was selected by the Panjab University through proper channel. As told by Professor Grover, Dr. Sukhwinder Singh would have joined the University in 2009 itself, had his case been settled by the Board of Management of SLIET. If they go through the proceedings of the first meeting, they would find that it has been clearly written that in the first instance, Dr. Sukhwinder Singh be allowed to join the University on deputation without deputation allowance and if his work and conduct is found to be satisfactory, it would be in the interest of the University teaching that he could be absorbed later. They had given the precedence of many cases like Shri Maninder Pal Singh, Shri O.P. Sharma, Principal O.P. Bhardwaj and Shri Sanjiv Tiwari, who were initially appointed on deputation, but later on all of these were absorbed w.e.f. back date. Dr. Sukhwinder Singh is waiting for the justice for the last 15 years, but still they are saying that his seniority would be counted from 2011. When the SLIET had relieved him w.e.f. 2009 itself, why could they not allow him from 2009 especially when the Syndicate had already made its recommendation. The Committee headed by the Dean of University Instruction had clearly mentioned that Dr. Sukhwinder Singh be absorbed in the University service from the date he has been relieved by SLIET. The Committee constituted by the present Vice Chancellor has also recommended the same. The Vice Chancellor being the faculty member of University Institute of Engineering & Technology and the former Director of University Institute of Engineering & Technology, is fully aware of the nitty-gritties of the case. Being the Director of University Institute of Engineering & Technology, she had forwarded the requests/ representations of Dr. Sukhwinder Singh to the University Administration on several occasions, but the Administration did not take concrete steps to get the contributory provident fund transferred from SLIET. It is her personal request to all the members that they should not take any decision in the vested interest of few persons, rather they should think honestly and give justice to him and he should be absorbed from 16.04.2009 i.e., from the date he has been relieved by SLIET. Dr. Sukhwinder Singh is serving the University with full dedication and he has been given many additional charges e.g., Director of Computer Centre, In-charge Electricity Department, Co-ordinator of CHASCON. He has served the University in many capacities. Why could they not appoint him Director, University Institute of Engineering & Technology? Why the two faceted decisions are taken by the University? It was also a great injustice to him when he was not appointed Director of University Institute of Engineering & Technology in 2020 which was his right. Just to serve the interests of two persons who got promoted under CAS after his joining, the Senate marked the file for obtaining legal opinion. When there are so many legal luminaries in the Senate itself like Shri Satya Pal Jain, why they sought legal opinion from other persons? Why the Senate itself could not take decisions on such sensitive matters? Had he been conveyed earlier that his seniority would be considered from 2011, he might have joined back SLIET. She believed that the Hon'ble members as well as the Chair would agree with her that it is his genuine right that he should be absorbed from 2009. If they absorbed him from 2011, where his service of two years (from 2009 to 2011) would be counted? How his seniority

could be counted? She requested Professor Grover that being the former Vice Chancellor of the University, he should give honest and justified opinion that a person who is serving in this University from 2009, why his seniority should be considered from 2011? In the end, she suggested that the seniority of Dr. Sukhwinder Singh should be considered from 2009 when he actually joined the University.

Shri Satya Pal Jain said that he had gone through the item as well as the papers relating to it carefully. First of all he would like to remind them that the meeting is being held on the direction of the High Court. But he would like to ask from his fellow colleagues that if the Senate did not consider and take a decision relating to a person, who is appointed in the University in the year 2009, till 2023, do they not feel a need to introspect themselves? Why it took 11-13 years to a teacher to get a decision from the Senate? They needed to introspect as to what were the factors which lead to this delay. Professor Arun K. Grover and Professor Savita Gupta had narrated facts of the case and he himself also had gone through all the papers and is aware of the facts.

Shri Prabhjit Singh stated that the documents sent as agenda papers have already been considered in the earlier meetings of Syndicate and Senate. The question is that at this time, the meeting is convened on the direction of the High Court, even the direction of the High Court was not accepted in first go, on 18.10.2023. When the Court directed to initiate the proceedings of contempt and levying of cost charges, then the University is conducting the meeting. Professor Arun K. Grover himself had apologized with regard to delay in processing the case of Dr. Sukhwinder Singh. When the cases of teachers are lingering on for 12-14 years and the University failed to take decision, then what would they be doing with the students. It is very sorry state of affairs. He is not blaming the current Vice Chancellor, he is blaming only the system which consisted of obtaining legal opinions time and again. The documents received as agenda papers through e-mail consisted of representation of Professor J.K. Goswamy, but it is quite irrelevant to annex his representation with the agenda. In the meeting of the Senate in 2022, he had urged at that time also that Dr. Sukhwinder Singh should be regularized in University service from 2009. If politically the Senate could take this decision, the Court will take the decision to regularize his (Dr. Sukhwinder Singh's) service in Panjab University from 16.04.2009. At page 5 where list of events has been given, it has been written under Para 6 that although as per the law laid down by the Hon'ble Supreme Court, the employee, who has been promoted under CAS, not to be included in the seniority list of Professors. If the High Court gives the decision on these lines, what would the University do? The decision quoted above is of the Supreme Court and none of the person has challenged the decision. Professor J.K. Goswamy, who has also been the party/respondent in the CWP, could plead his case in the Court itself, instead of sending his representation to the members of the Senate. The Committee under the headship of Professor Rajat Sandhir has also considered the representation of Professor J.K. Goswamy and made recommendations which have been placed before the Senate. The Committee had given clear-cut recommendation that Dr. Sukhwinder Singh be absorbed/regularized from 16.04.2009. The University has no option except to regularize the service of Dr. Sukhwinder Singh w.e.f. 16.04.2009. If the University consider to regularize the service of Dr. Sukhwinder Singh w.e.f. 2011, as also proposed by Professor Arun K. Grover, at which place the service of Dr. Sukhwinder Singh from 2009 to 2011, would be counted, as SLIET had relieved him from 2009 and he was getting salary from the University. He was considered on deputation because he was not relieved by the SLIET at that time. The Committee constituted under the headship of Professor R.K. Kohli, had also recommended that the service of Dr. Sukhwinder Singh would be absorbed from the date of relieving by SLIET. He suggested that his regularization should be done w.e.f. 2009. It has also been written in the latest orders of the High Court that the learned Counsel of the Panjab University as well as Respondent No.2 (Professor J.K. Goswamy) did not raise any serious objection for the course of action. Accordingly, it is directed

that any decision to appoint new Director of the UIET could be taken. These all things – whether to appoint new Director of the UIET and regularization of service of Dr. Sukhwinder Singh from 16.04.2009, are inter-linked with each other. The Senate has no option except to consider the absorption regularization of service of Dr. Sukhwinder Singh w.e.f. 16.04.2009, if they would propose to consider to regularize his service from 2011 then at what place the service period of 2009 to 2011 would be counted. The University should take a decision for counting his service period from 2009 to 2011 simultaneously, if the decision to regularize his service from 2011 is to be taken.

Professor Gurmeet Singh said that the things, which are being deliberated in the House, are not only for a particular person. The issue pertaining to rules and procedure is also being deliberated. There is no relevancy of saying at this place that work and performance of Dr. Sukhwinder Singh is good. It should be a matter of consideration that after 12 years, the University could not take any decision pertaining to it. The lapse, which has occurred, has been admitted by Professor Arun K. Grover in an honest way. On the one hand, the recommendations of the Committee existed and on the other hand, the legal opinion of Shri Anupam Gupta is available on record and on top of it, the recommendations of the RAO are also there. It is not correct to say that Dr. Sukhwinder Singh had not been relieved and had been taken on deputation. In fact, he himself had requested after selection through open interview that he should be taken on deputation. Later on, he changed his stance. The most relevant point expressed by Professor Arun K. Grover was that SLIET had relieved him (Dr. Sukhwinder Singh) from the year 2009, but the bond was not transferred and the period of the bond was elapsed. This thing should be examined carefully. They might be remembering that earlier also a separate meeting was conducted on the appointment of D.S.W., where the decision taken in the meeting of the Syndicate had been turned down in the special meeting of the Senate. They should not take such decisions, which have to be reverted later. So far as the current issue is concerned, as also told by Professor Arun K. Grover, had Dr. Sukhwinder Singh joined after tendering his resignation at SLIET, there would have been no issue. This problem has occurred due to SLIET, as earlier the relieving order of Dr. Sukhwinder Singh was not issued and later on when the Board of Management of SLIET got changed, he was relieved from retrospective effect. This is completely a failure of system. It is a mistake on the part of Senate that it did not take any concrete decision. The Senate should have been taken a clear-cut decision in the matter. During the discussion, it was pointed out by one of the members that Dr. Sukhwinder Singh would have rejoin his parent institution, but it was not so. The matter was delayed due to study bond of Dr. Sukhwinder Singh. Citing an example, he said that he had gone to another Institution for two months and he received the cheque in the name of the University. It was intimated by Professor Grover that no cheque was issued from the University because the bond was not transferred. Citing an example, he said that one person had said that he should not be confirmed, because he would like to have lien in his parent institution. Thereafter, when he wanted to avail leave, he requested that he may be confirmed and his service was regularized. He requested that this matter should not be dealt with politically. He said that decision should be taken keeping in view the observations made by R.A.O., and legal opinion of Shri Anupam Gupta as they are well aware of the credibility of Shri Anupam Gupta. Whatever would be the decision in the matter, the same should be considered for future reference. It should not be so, that again they have to meet for reviewing their decision. His only request is that this matter should not be decided emotionally, rather the decision should be taken keeping in view the papers available with them; otherwise, the matter would be more dragged.

Shri Gurjot Singh Malhi stated that he did not personally know the person under consideration nor any of his competitors, and to the best of his knowledge, he has never met any of them. He is giving his opinion based solely on facts, which are absolutely clear and that he need not repeat them. The applicant himself appeared to have insisted

that he be taken on deputation. The University went back and forth for a while and then finally set up a Committee, etc. The University agreed to his request and he was accordingly taken on deputation and his parent Institute had also issued orders of deputation accordingly. Thereafter, this matter has unnecessarily dragged on for several years, which it should not have. After a substantial period of time, a decision was taken by his parent Organization saying that he be relieved from the original date of his joining the Panjab University. The deputation period was till 31st of July, 2011. Some speakers have mentioned that there are cases of four other individuals, where benefit of seniority was given from the start date of deputation. If that is indeed so, then of course Dr. Sukhwinder Singh would have equal right. However, this needs to be checked up and confirmed. Otherwise, if those precedents are not valid, or the same have not occurred and/or have been incorrectly quoted and are not applicable to the case in hand, then of course it is a very clear that his deputation period was till July, 2011. The parent Institute had put him on deputation till July, 2011; and therefore, subsequently, after a long gap of several years, they could not suddenly change their decision saying that now they withdraw the deputation order and he would be deemed to have been relieved from the original date. That could not be done as it is not possible. He has to be considered only after July, 2011 because his deputation was till July, 2011. Mr Malhi said that he had come across several such cases during his service. Whenever such cases are dealt with by the Government of India, it is to be seen as to what position the person, who is on deputation, was holding in his/her previous Organization, at the relevant time. If his status in the parent Organization was the same, he/she could be considered for absorption from the original date of his joining on deputation. Meaning thereby, if the status of Dr. Sukhwinder Singh at SLIET was Professor at that time, he could be considered in Panjab University from 2009, at the sole discretion of PU. However, since his status was lower than Professor in his parent Organization, this option is not available to us, and he can not be given the benefit from the date of joining, but only from the date when the deputation period got over. As such, he would recommend that he be given the benefit of seniority from the date when his deputation period got over i.e. July 2011.

Shri Satya Pal Jain stated that as apprised by the Registrar that meeting is being conducted on the directions of the High Court. They are discussing the matter of a person who was appointed in the year 2009 and now at the end of the year 2023, had there been no need to revert back in the previous years, the Senate is not able to take decision for the matter of Professor of the University. He would like to go to the reason why the Senate could not take the decision. His request is to deal with this matter on priority basis and they should also find out similar cases instead of waiting for directions of the High Court, to call the meetings of the Syndicate/Senate to sort out the matters. Secondly, as per the statement made by Professor Arun K. Grover, where he had talked about three names first is Dr. Sukhwinder Singh, Professor Sanjeev Puri and Professor J.K. Goswamy, all these persons are belonged to the University. The Senate has no friendship and enmity with these three persons. The decision which is to be taken on behalf of the Senate, should be taken as per Rules and procedure instead of taking decision keeping in view the interest of the particular person. The question at present is that whether the regularization/absorption of Dr. Sukhwinder Singh should be considered from the year 2009 or from 2011. As per his studies, he observed that one party is in the favour of regularization of service of Dr. Sukhwinder Singh from 2009 and the other party is in favour of absorption of his service from 2011. By and large the whole episode is moving around these two versions. It is the fact that Dr. Sukhwinder Singh had joined on 16.04.2009 and it is also a fact that from that date, he is in service of the University till date. There is no adverse or suspension case against Dr. Sukhwinder Singh, he has continuity of service from 16.04.2009 to till date in his credit, without any break as per the documents available on record. If any break or rejoining in his service is revealed out of the documents received from SLIET, then the matter would be something else. If they would agree that Dr. Sukhwinder Singh rendered his service from 16.04.2009, but the

University would consider him from 01.08.2011. The first question would arise, as to what about this gap of two years' period? Whether these two years would be counted in SLIET or in University? He could not understand any reason why he should not be absorbed in University service from 2009? Secondly, when this matter was placed in the Syndicate and the Syndicate had constituted a Committee and it was also recommended by the Syndicate that his absorption should be made from 2009. Thereafter, on the directions of the Court, again the Committee was formed and that Committee had recommended that the service of Dr. Sukhwinder Singh should be absorbed from 2009. He would like to bring to their knowledge the proceedings of the Senate dated 27th March, 2022, wherein the viewpoints of several members had been recorded. Several members had got it recorded that Dr. Sukhwinder Singh should be regularized/absorbed from 2009. Referring to proceedings of the Senate dated 27th March, 2022, he said that it has been mentioned that "initiating discussion, Dr. Harjodh Singh said that Dr. Sukhwinder Singh had joined the University on 16.04.2009, his case is pending for the last 12 years, he requested in the meeting held in December, 2009 that his case may be cleared as he is very capable Professor". The statement of Shri Prabhjit Singh had also been recorded in the minutes in detail. Thereafter, Dr. Priyatosh Sharma, Professor Savita Gupta, Professor Sushil Kansal, Professor Sukhbir Kaur, Dr. D.P.S. Randhawa and Dr. Parveen Goyal and mostly all the speakers who expressed their viewpoints in the above said meeting, that the service of Dr. Sukhwinder Singh should be regularized/absorbed from the year 2009. Even after the statements made by them, the then Vice Chancellor had referred both the cases of Dr. Amandeep Marwaha and Dr. Sukhwinder Singh to a Committee. When the overwhelming majority of the Senate was saying in favour of regularization of his service from 2009, why the matter was referred to the Committee? The Committee comprising of Professor Rajat Sandhir and in the previous Committee also consisted of Professor Sukhbir Kaur, Dr. Parveen Goyal, Professor Sushil Kansal and Professor Savita Gupta again recommended that his service should be regularized from 2009. He could not comprehend why this suggestion is made by Professor Arun K. Grover that the service of Dr. Sukhwinder Singh should be regularized from 2011. He said that he had always extended support to Professor Arun K. Grover in his case and at that time also he had supported the right. Professor Arun K. Grover had diagnosed the disease as a good Doctor, but the prescription given by him is not proper. The solution given by Professor Grover that both the parties should be kept happy, is not good. The question, as per the directions of the High Court, is only that whether the University has to absorb him from 2009 or at a later stage. However, they should not forget that these proceedings would be presented in the Court of Law where the case is pending. The decision of the Senate would be placed in the High Court. Hence, they should not take a decision which might create further complications for the University in the High Court and the High Court could make certain observations which they do not want. On the versions of Professor Grover and Shri Prabhjit Singh, he would like to read only the three orders of the High Court. The first order of the High Court was issued on 18th October, 2023 consisted of first page, where the facts of the case have been written and on second page, the Hon'ble Judge said that Respondent No.1, Panjab University had filed its reply, it has *inter alia* denied the claim of the petitioner that he is senior to Respondent No.2 Dr. Jatinder Kumar Goswamy. In Para No.3 of the preliminary objections of its reply, the Respondent No.1 – Panjab University, Chandigarh, has stated that the Syndicate, at its meeting held on 31.07.2011 (Para 48) resolved that Dr. Sukhwinder Singh (Professor) (CSE), UIET, be absorbed/regularized in the University service from the date of his joining as Professor on deputation i.e., 16.04.2009 at UIET, however, the said decision has not been approved by the Senate (which is the competent authority), till date. He would like to know, if the decision of the Syndicate was not approved by the Senate, how could he file an affidavit stating that Dr. J.K. Goswamy is senior to Dr. Sukhwinder Singh? At that time, itself, the meeting of the Senate should have been called to approve the proceedings of the Syndicate and decision of the Senate would have to be treated as final decision, whereas the University had pleaded the case before the outcome of the decision of the

Senate. At page 3, Para 5, it has been mentioned in the order of the High Court that “there is no representation on behalf of the respondents”. The Counsel of the University did not appear before the Court. He reiterated that on the proceedings of 29th September, 2023, the Court had mentioned that there is no representation on behalf of the respondents, in the interest of justice, adjourned to 18.10.2023. In the meanwhile, respondent No.1 may get instructions regarding any final decision taken by the Senate with regard to above-quoted para before the next date of hearing”. In the first instance, the High Court had asked to intimate the decision taken by the University in the matter, thereafter the case was again placed before the Court on 18th October, 2023. He wanted to ask why they had not tried to call the meeting of the Senate after the decision of the Court on 29th September, 2023. On 18th October, 2023, the Hon’ble Judge ordered that “it is unfathomable that the issue pertaining to absorption/regularization of petitioner in services of Panjab University is pending since the year 2011. No plausible reasoning has been put forth by the learned Counsel representing respondent No.1-University as to why it has taken so long time to take necessary steps/action in that regard. In the aforementioned circumstances and before proceeding further in the matter, I deem it appropriate to direct respondent No.1 – Panjab University that let the decision taken by the Syndicate, at this meeting held on 31.07.2011 (Para 48) regarding absorption/regularization of the petitioner in University services be put up before the Senate for taking final decision within a period of four weeks from today and the final decision as may be taken by the Senate be placed before this Court on or before the next date of hearing”. Both the orders dated 29th September, 2023 and 18th October, 2023 were passed in detail by the Hon’ble Court, he did not know as to what action has been taken by the office of the University on receipt of these orders. On 18th October, 2023, the case was adjourned for 21st October, 2023. The High Court had passed the order on 21st November, 2023 that “apparently, the direction contained in the aforesaid order dated 18.10.2023 has not been complied with by respondent No.1- Panjab University within the stipulated period, and now, the instant application (CM-19594-CWP-2023) has been filed seeking extension of time for complying with the said order dated 18.10.2023”. Firstly, the orders were passed by the Court on 29th September, thereafter, on 18th October, 2023 and in the month of November, 2023, the application was sent by the University for granting extension in time. A very serious thing has been mentioned in Para 6, i.e., “a perusal of the entire application would suggest that no effort, whatsoever, appears to have been made by respondent No.1-Panjab University to comply with the direction contained in order dated 18.10.2023 passed by this Court. Further, it is noted from paragraphs 6 and 7 of the present application that the legal opinion dated 16.12.2020, which is also mentioned in paragraph 8 of the order dated 18.10.2023 passed by this Court, was brought before the Senate in its meeting held on 27.03.2022; and the proceedings thereof have been annexed as Annexure R-2 along with this application”. The Hon’ble Judge reproduced all the recorded statements of Dr. Harjodh Singh, Shri Prabhjit Singh, Dr. Priyatosh Sharma, Professor Savita Gupta and others. These statements became the part of the orders of the High Court. Thereafter, the High Court has written in Para 7 that “it is further mentioned in paragraph 6 of the present application that as per decision dated 27.03.2022 of the Senate (as mentioned above), a Committee was constituted on 06.08.2022 and the Committee convened its meetings on various dates, however, on 31.03.2023, Dr. Hemant Batra, the then Chairperson of the Committee, informed that he would not be able to act as Chairperson of the Committee. He further referred to Para 8 where it has been mentioned that “the only ground mentioned in the instant application for seeking extension of time” was reproduced. Referring to Para 9, which contained “from a reading of the application (CM-19594-CWP-2023), it is apparent that respondent No.1-Panjab University has not complied with the directions contained in order dated 18.10.2023 passed by this Court. Further University has also failed to show as to whether the aforesaid order has been considered by it at any level or what steps have been taken to even convene a meeting of Senate. The ground on which the extension of time has been sought clearly depicts the contumacious act on the

part of respondent No.1 Panjab University in defying the order ibid passed by this Court. It appears that the case pertaining to absorption/regularization of the petitioner in the University services is being intentionally delayed, which is pending since 2011, for the reason best known to it. Rather, a perusal of Senate proceedings dated 27.03.2022 also reflects that various members of the Senate had already highlighted their concerns on the issue that case of Dr. Sukhwinder Singh is pending for the last twelve years. Every entity/individual/institution is bound to comply with the order of the Court, especially when the direction had been passed without prejudice to the rights of the parties. If any party is aggrieved by an order, the remedy is to prefer an Appeal or challenge the order. A party cannot sit on judgement over the correctness or justification of a judicial direction or order, in fact it is bound by the terms of the order and cannot go beyond. In fact, it has been mentioned that “accordingly, the instant application is hereby dismissed with costs of Rs.25,000/- to be deposited by the applicant/respondent No.1 with the “Poor Patients Welfare Fund, PGIMER, Chandigarh” and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent. Since order dated 18.10.2023 has not been complied with; such a defying attitude towards the Court’s order, it has been directed that Registrar should present personally in the Court. As per his opinion, in this case, the absorption/regularization of Dr. Sukhwinder Singh should be made from 16.04.2009. Thereafter, any decision taken by the University should be against the principles of law, Rules & Regulations and would be considered as the violation of the orders of the Court. In his opinion, the Hon’ble Court has taken a lenient view for the University as no action has been taken by the University from 29th September, 2023 onwards. Hence, he suggested that absorption of Dr. Sukhwinder Singh should be allowed from 2009 and the said decision should be conveyed to the Court. At one point of time, Shri Jagan Nath Kaushal had said in the meeting of the Syndicate that the Syndicate would take appropriate decision and the Court would do its job. If they took right decision, the interference of Court would automatically be less. Referring to the legal opinion given by Shri Anupam Gupta, which was read out by a couple of his colleagues, he said that there are four Advocates in the Senate itself, namely Dr. D.P.S. Randhawa, Shri Lajwant Singh Virk, Dr. Davesh Moudgil and he himself. Further, there are 4-5 teachers who impart education in the subject of Laws to the students like Professor Devinder Singh, Professor Shiv Kumar Dogra and Dr. Dinesh Kumar. Did they think that the view of these persons is less important than the Advocates? He has pointed out at several occasions that the cases of the University are going in default as they are not pursued seriously. Citing an example, he said that the University Syndicate had taken three decisions during the last 3 months, but the same had been stayed by the Court. In the case of closing of Examination Centres of certain Colleges and imposition of Regulation 11 on Gurusar Sadhar College, the Advocate of the University has to make a statement in the Court that they are taking their decision back. Even in the case of Mr. Lovlish Sharma, the Court had stayed the decision of the University. In the case under consideration, the Hon’ble Judge has passed strictures against the University. He therefore, suggested that while constituting the Committee, it should be ensured that Committee should comprise of legal experts, teachers and other experts so that justifiable recommendations are made by the Committee. Though the Senate has not taken any decision in this case, the University in its reply has written that Dr. J.K. Goswamy is senior to Dr. Sukhwinder Singh. He did not know on what basis the University Administration has given such a reply. If tomorrow, somebody challenge that the reply filed by the University Administration is fake, would University be not in a problem? They should not take the Court in a casual manner because one line of stricture passed by the Court spoil the entire career of the person. Purely speaking in accordance with law, he suggested that he should be absorbed in the University service w.e.f. the date he actually joined Panjab University. Had there been a break or rejoin, it would have been a different matter. Now, the law says that if someone had earlier in another Institute, his/her past service is to be counted for the purpose of seniority and gratuity. Even in the University somebody come after serving in another Institution, they count his/her past service and

protect the pay. In nutshell, he said that he (Dr. Sukhwinder Singh) should be absorbed in University service from 2009. Though they had full sympathy with others, they are supposed to take decision in accordance with law. He once again suggested that a Committee comprising of 5-7 persons should be constituted to deal/oversee the legal affairs and Committee should meet regularly. He also suggested that it should be taken seriously and got examined as to why this case took 12 years to reach the Senate. Why the decision was not taken in time and why it was not pursued and an enquiry in this regard should be conducted? He said that he would like to point out a very serious matter as it has been written in the detailed chronological note, “as per orders of the worthy Vice Chancellor, the file of Dr. Sukhwinder Singh along with the legal opinion given by Shri Anupam Gupta, Senior Advocate, Legal Retainer, in the case of Professor Sukhwinder Singh, University Institute of Engineering & Technology, regarding his absorption in Panjab University services was sent to D.R.(G) for placing the same before the Syndicate and Senate, Panjab University. However, the file has been returned back with the request to send the file/s to the General Branch as and when the meeting of the Syndicate/Senate is fixed, with latest updates, if any.” When the file was marked to D.R.(G) for placing the case before the Syndicate/Senate, how the D.R.(G) dared to return the file? Is this not needed to be enquired into? The officers/officials could not work according to their whims and fancies. He reiterated that thorough enquiry of it should be conducted so that in future, no one should suffer.

The Vice Chancellor said that she just want to bring to the kind notice of Shri Satya Pal Jain that although Professor Arun K. Grover has given the details of the case and when the Syndicate in 2011 decided that he be absorbed from 2009, there was an audit objection that what is the justification for absorbing him (Dr. Sukhwinder Singh) from 2009. Professor Arun K. Grover has said that no finances were involved while he was on deputation, but the fact of the matter is that his Contributory Provident Fund was being sent to SLIET by the Panjab University till 2011. As such, Panjab University had sent his Contributory Provident Fund to SLIET till 2011.

Shri Satya Pal Jain said that he had gone through all these papers. He would like to go through the audit objection and the audit objection was “the order regarding whether absorption/regularization may be issued and also the date of absorption may also be justified as the official remained on deputation”. In fact, the audit had not objected to his absorption/regularization; rather, the audit had sought justification for his absorption/regularization. Hence, the office should have given the explanation instead to succumbing to the pressure.

The Vice Chancellor clarified that the objection was raised by the Audit in the year 2011 and because of this objection, a Committee was constituted. Since she was Director of University Institute of Engineering & Technology at that time, she was also a member of that Committee. In the Syndicate of Panjab University in 2011, it was decided that he be absorbed from 2009 and in 2011, he (Dr. Sukhwinder Singh) did not have his relieving orders from SLIET. Naturally, the case could not be taken to the Senate because SLIET never relieved him. In fact, he was relieved only in 2019 and when he was relieved, his case was not taken to the Syndicate and Senate, because at that time, the Syndicate and Senate was not in existence. When the Senate was formed in the year 2022, the case was placed before the Senate. And he (Shri Satya Pal Jain) could see that everybody said there that he be absorbed from 2009, but even then he was not absorbed from 2009 by the then Vice Chancellor and the reason is the financial implications involved in it. They should think about the financial implications involved during the period when he was working here (in Panjab University), but the University was sending his Contributory Provident Fund to SLIET. If they absorbed him (Dr. Sukhwinder Singh) from 2009, there would be financial implications and first those financial implications have to be resolved. This is the situation.

Shri Satya Pal Jain said that he agreed with the Vice Chancellor that there could be financial implications, but the question is from which date he deserved to be absorbed. Firstly, whatever his right is, should be given, and thereafter, the financial implications should be resolved. They could not stop his salary, even if the financial implications are there. The private Colleges received 95% grant-in-aid from the Government.

The Vice Chancellor clarified that he (Dr. Sukhwinder Singh) is getting the salary.

Shri Satya Pal Jain said that, as a lawyer, he has a clear view and proposal that he should be regularized w.e.f. 2009, and whatever the consequences are, they have to meet them.

Dr. Jagwant Singh stated that a lot has been discussed and the things, which have been discussed, he would try to avoid them. The entire history of the case has been explained by Professor Arun K. Grover and certain persons have spoken in favour of his absorption from 2009 and 2011. He would look upon the case in accordance with his knowledge and everybody did so. Those, who expressed themselves, expressed out of their own conviction and he is speaking out of his own conviction. He is looking into this case from the point of view of service matter. As per their Policy, a person, who is on deputation, is an ex-cadre. A person, who comes on deputation, is an ex-cadre. What would be the date of his entry? All the precedents and all which he understood, is the day, he is absorbed. Shri Gurjot Singh Malhi has said certain things from the central services point of view and he was absolutely right. If they go into this case briefly, he (Dr. Sukhwinder Singh) was selected through due process (duly constituted Selection Committee), but there are no papers with him to see whether his application had NOC from his previous Institute or did he appear and promised that he would bring an NOC. The entire issue basically centred around that he was under a bond with SLIET. Since he was under bond, he was not being relieved by the Institute because of the conditions of bond. If he was to be relieved at that time, he would have to the Institute as per the agreement of the bond, but he was not willing to deposit the amount, which is understandable because the amount turned out to be a huge amount. Nobody is willing to pay two years' salary, i.e., for the remaining period for which one is under bond. He was not willing to pay and rightly so, he opted and made a request that he be taken on deputation. If he has been taken on deputation, then the rules of deputation between the lending and borrowing Institutions are to be taken into consideration. In this case, SLIET is the lending Institution and Panjab University is the borrowing Institution. He would draw analogy here that he is living in a flat, which he had taken on rent, and later on, when the owner wanted to sell it, he purchased the same. From which date, he would become the owner? Should his ownership be from the date when he became the occupant of the flat or is it from the date when he purchased? He thought that the answer is the date when he purchased the flat. During the earlier period, he was the occupant. Similarly, in this case, the question of his continuity in service is not there. He is not going to suffer any financial loss because of whatever decision they would take. He had already taken/got the benefits to whatever he was entitled at SLIET and he would get whatever he would be entitled at Panjab University. The question is – when he opted that he be treated on deputation, the deputation conditions of his Institution would apply. As has just been explained by the Vice Chancellor herself that the University was paying his Contributory Provident Fund to SLIET, they were paying the same because he continued to be an employee of SLIET and the University had borrowed his services. During this period, he (Dr. Sukhwinder Singh) had all the options to get his deputation cancelled and even the lending Institution was within its rights to ask for that his services should be given back to it and he should come back. He is purely talking about what he understood from this. If that is the position, then during that period, he was not the employee of the University. He would like to point out to Shri Satya Pal Jain that they were just using

his services. Any person, who is on deputation, his services are used by the borrowing Institution, but he/she continues to be employee of his/her organization, which has lent his/her services. So that way, during that period, he (Dr. Sukhwinder Singh) continued to be in service of SLIET as SLIET had given him on deputation up to a particular date. Whatever record he had been able to go through, he could not find that his deputation period was extended by the SLIET, but he believed that they continued to entertain his correspondence, they were treating him on deputation. Up to which point of time, his deputation continued. To him, it continued to when he was actually relieved him in 2019. Could SLIET relieve him (Dr. Sukhwinder Singh) on that day w.e.f. 2009, especially when he was already relieved on that day to work on deputation? Their issue primarily was, in his opinion, that they should not suffer on account of bond because there the conditions of MHRD applied and the MHRD was not allowing them. In fact, they (MHRD) were asking that if he (Dr. Sukhwinder Singh) goes, they have to recover bond amount. There is a letter, which showed that SLIET was told by MHRD that they should recover the amount. Had he paid the amount to SLIET, he would have joined Panjab University the very first day and his case would have been different. He opted for deputation on his own choice. The question is how it matched with their Policy of deputation. The Policy of deputation, which they drafted later on, they are also treating a person, who is on deputation, as ex-cadre. Ultimately, they have to look as a University (as Senate as decision making body) that are they going to lay down a norm that a person, who joins on deputation and which their Policy says that he/she is ex-cadre, is to be treated in position of the cadre retrospectively. Are they going to lay down this norm and what would be its implications? It would lead to seniority dispute. In the present case also, the case is between the teachers of University Institute of Engineering & Technology. Looking at the situation, if he is given seniority from 2009, there would a number of teachers in other Departments, whose seniority would be affected. Then somebody else would be going to the Court and they would be facing the litigation and that is needed to be looked into. They have also to see the objections raised by the RAO. Why he had raised the objections? The basis of his objection is that since he (Dr. Sukhwinder Singh) was on deputation, they could not absorb him in the cadre during that period. Shri Gurjot Singh Malhi quoted one instance referring to Central Government rules and he believed that the rules of Punjab Government are also the same. If the person is holding the same position in the lending Institution, he could be absorbed and he agreed with it. This normally happened in the case of IAS and IPS Officers, as they hold the same position because they are selected through Union Public Service Commission (UPSC) and their ranking is also determined by the UPSC. They joined different States, but the rest of things are settled. He believed that Shri Malhi was referring to those cases. But he had never come across any situation during his career or whatever activism he was doing that a person, who is/was not holding the same position, gets the benefit from the back date/retrospectively. Since Dr. Sukhwinder Singh was Associate Professor at SLIET and not a Professor, this is a very relevant question. As said by Shri Malhi, had he (Dr. Sukhwinder Singh) been Professor at SLIET, he would have been entitled. However, in this case, it is not so. Hence, they have to go by the position, which has been explained. He would not go into as to what are the precedents because in each precedent, there is a different case. Today the University is duty bound to take a final decision as it has been directed by the Court. They have to strictly follow the rules. They should not be doing anything against their own Policy, which clearly states that a person, who comes on deputation, is an ex-cadre. A person, who is coming on deputation, is not their employee and his services are being taken because they had borrowed him/her from the lending Institution. Hence, he continues to be the employee of the other Institution. These factors could not be overlooked. The question of continuity, the benefits to be granted and the time period during which he should have got, is entirely different. He further said that he had not been able to find any letter from MHRD, which says that the bond could be transferred. The bond could not be transferred in 2019 because the period of bond had elapsed a long time back. Maybe the decision at SLIET could have been different saying that since the

bond period is over, he (Dr. Sukhwinder Singh) need not deposit anything. Hence, the entire issue is to be seen in that light. He agreed with Professor Arun K. Grover that if Dr. Sukhwinder Singh is absorbed from 2009, other teachers would also be got affected. He is not going by the opinion expressed by other members. His friends could differ and he could also differ with them. Everyone has his/her own experience and opinion in certain matters and they argued accordingly. He had tried to make it as objective as it could be from his side. He had sympathy with him (Dr. Sukhwinder Singh), but he was under a bond and had he been not under the bond, there would not have been any problem. However, the question is – could he be an employee of two different Institutions simultaneously? He could not be. They could absorb the person only from the date, the day his deputation had come to an end. He agreed with the objection raised by the RAO and also with what Professor Arun K. Grover has said. He also agreed with the legal advice given by Shri Anupam Gupta, keeping in view that their own Policy also states that it is an ex-cadre post and they were paying his retiral benefits to SLIET.

Professor Rajat Sandhir said that he has listened to the opinions given by the members. Firstly, he would like to respond to what Professor Arun K. Grover has suggested. He would never like to contradict the former Vice Chancellor. In fact, Professor Grover has suggested two things –two dates, i.e., from 2009 and another from 2011. The UGC Regulations say that his (Dr. Sukhwinder Singh) date of joining would be the date of his confirmation and his seniority is to be counted from the date he has joined the Panjab University.

Dr. Jagdish Chander said that he is surprised to know from his colleagues that they are discussing this case for the last about 15 years and most of the members are putting the entire responsibility of this lapse on the University. But he, as said by Shri Satya Pal Jain, would like to say that there is a need to have introspection for them. Hence, according to him, the responsibility for the lapse lay with the Senate itself because they in the Senate appointed Committee after Committee. Shri Satya Pal Jain has also pointed out that they had lost several cases in the High Court or the other parties had got their decisions stayed. The decision of the Committee that certain Colleges be not made Examination Centres, which was approved by the Syndicate, had also been stayed by the Court. The pressure for not allowing examination centres to these colleges is put on the University administration by the Senate through the Committee appointed by it and the affected parties approached the Court for getting the relief. I am surprised to know that there was a 5-6 members Committee, which had decided that he (Dr. Sukhwinder Singh) be appointed on deputation. Perhaps, only one member and the convenor were present in the meeting of the Committee and 3-4 members were absent. The recommendation made by one member of the Committee was approved and implemented. It seemed that there was the intervention by the Syndicate and Senate due to which the case continued to go ahead. He further said that he had a question to the Vice Chancellor and the University Administration, as to what are the rules for taking persons on deputation. Though he wanted to speak on deputation, since Dr. Jagwant Singh has already clarified about the rules of deputation in terms of lending and borrowing institutions. Here, in this case, SLIET was a lending Institution and Panjab University was a borrowing Institution. But the question is whether Panjab University advertise persons in n deputation? Recently, the Chandigarh Administration has sought persons from Haryana Government on deputation. A person could be treated on deputation only when the University has sought him/her on deputation. It is not the candidate, who requests the University to take him on deputation. If he requests the University to take him on deputation in the Department of Sociology, would they allow him? Deputation could be considered only if both the lending and borrowing Institutions are ready on the demand of borrowing institutions only. Perhaps, he (Dr. Sukhwinder Singh) had not obtained NOC from SLIET before applying in the University. Had he applied after obtaining NOC from SLIET, perhaps, the SLIET might have relieved him.

Dr. Sukhwinder Singh neither obtained NOC nor he was relieved by SLIET and he himself requested the University that he should be taken on deputation. Since he himself had come on deputation, during the period of deputation, his Contributory Provident Fund was sent to SLIET. How could they absorb him (Dr. Sukhwinder Singh) from 2009, especially when he was an employee of another Institution? As a practice in general and I have seen in our colleges too, many a times, even working in same institutions, past service is protected to give financial benefits only and not the seniority. One of his Colleagues too has pointed out by that they usually gave financial benefits, but not the seniority. Citing an example, he said he himself had been given the financial benefits by the DAV Managing Committee, but the seniority has not been, though he was earlier working in the same College, which was under the same Managing Committee. Similarly, they could grant him (Dr. Sukhwinder Singh) the financial benefits, but the seniority only from 2011. Hence, he agreed with the suggestion given by Professor Arun K. Grover, which would also be like creating harmony amongst the faculty members of the University as well. Further, Shri Anupam Gupta has also suggested the same in his legal opinion. Shri Satya Pal Jain was also talking about the legal opinion, but if there are two types of legal opinions, who would decide as to what is right. He thought that they should decide the matter keeping in view the Regulations and Rules. There are two legal opinions before them – (i) given by Shri Satya Pal Jain; and (ii) by Shri Anupam Gupta. Who would decide as to which opinion is correct? As said by Dr. Jagwant Singh, one could not be an employee of two Institutions simultaneously, i.e., both lending and borrowing Institutions. Before the end of the deputation period, Dr. Sukhwinder Singh was the employee of SLIET. He would also like to ask as to why Dr. Sukhwinder Singh was being given so much concession as he got himself relieved from SLIET only in the year 2019. If any other person came, would they give him/her a period of 10-15 years to get relieved? In fact, they themselves set wrong precedents. If they knew that they had set a wrong precedent that did not mean, they should set another wrong precedent. He, therefore, suggested that he should be given financial benefits from 2009, but the seniority from 2011, so that the other teachers should not suffer.

Dr. Akhtar Mahmood, Fellow, has written via his e-mail dated 29.12.2023 that he could not join meeting of the Senate through online mode through the link sent to him. Hence, his following viewpoints be made part of the proceedings:-

- “1. This case is nearly 15 years old. The person in question (Dr. Sukhwinder Singh) joined the University in 2009 and asked for deputation himself. The University granted him the deputation till he gets NOC from the parent Institute, i.e., 2011. Thus, Dr. Sukhwinder Singh could be absorbed into University service after the expiry of his period of deputation. There is no rule in the University Calendar, which permits conversion of deputation period into regular service. The University must be run by its calendar.
2. The Vice Chancellor made a Committee to look into this issue in August, 2022. The meeting of the Committee was not held till March, 2023, when its Chairman resigned. Another person was appointed as Chairman of the Committee in April, 2023 and they decided the case on 13.12.2023. It is strange that it took more than year to take a decision by the Committee, without assigning any reasons. Interestingly, this Committee recommends that person be regularized w.e.f. 2009 that includes the deputation period, which the incumbent himself asked. They have not cited any rule under which this recommendation have been made. The Registrar was one of the member of the Committee, he be asked the rule under which deputation period of service could be considered as regular service?

3. As per records, the person under consideration (Dr. Sukhwinder Singh) is eligible for regular service at University Institute of Engineering & Technology w.e.f. 2011 when he was relieved by his parent Institute and accordingly his seniority in the University be fixed as per University rules.

Concluding, the Vice Chancellor stated that she had been the Director of University Institute of Engineering & Technology for so long. They could see that most of the applications written by Dr. Sukhwinder Singh had been forwarded by her. As such, she knew the details of the case quite well. She would say that unfortunately, the approach of Governing Body of Panjab University is different for different people. In 2022, a similar case was there in the Senate, where somebody had come on deputation from Punjab Agriculture University, Ludhiana. At that time, the decision of the Committee was completely opposite from what the decision of the Committee is in the case under consideration. Hence, there is neither any uniformity nor any policy. What the policy of Panjab University for taking people on deputation or for regularization of deputation period is? In fact, there is no such policy. What she meant to say is what are the rules of the University and what the rules of the Government and what are they following? They take one decision for person 'A' and second decision for person 'B' and other decision for person 'C', but that is not the way to do things. She thought that they should have clearly defined Policy. The policy is there as to how the persons are to be taken on deputation, but in that policy it is not there as to how the deputation period is to be regularized. Until she was a Professor of this University, she always used to think that how the Auditor(s) is/are above the Syndicate and Senate, and now she realized why, because if they did not follow the rules/regulations, somebody has to follow the same. They must have rules/regulations, so that whatever decision they are taking today, the same should be applicable to everyone to come in future or if there are other similar cases in the University, the same should be applicable to them also. Hence, she would conclude that they absorb Professor Sukhwinder Singh in Panjab University from the date from which Panjab University started maintaining his Contributory Provident Fund account. Until Panjab University was sending his Contributory Provident Fund to SLIET, for that the University needed to examine as to what are the financial implications, how they are to be sorted out and what is the policy of Panjab University. They must have a policy. Whatever they do now, the manner in which they regularize the deputation period of Professor Sukhwinder Singh, the same policy should be used for everyone for all times to come. So she would say that today they absorb him from the date his Contributory Provident Fund account is started to be maintained by the Panjab University, but till the time they were sending his Contributory Provident Fund to SLIET, they have to see as to what are the financial implications, how they are to be resolved, and once that is sorted out, they would see how the deputation period could be regularized. If they formulate a policy, they would see whether according to that policy he could be regularized, then definitely it would be done. She further said that Shri Satya Pal Jain has suggested that they needed to have a Committee of legal experts. For this purpose, she would make a Committee of legal experts only to examine the financial implications and to suggest a policy for regularization of deputation period.

Shri Satya Pal Jain said that whatever points he had made should be placed on record and he stood by his view, and he is of the view that Dr. Sukhwinder Singh should be absorbed from 2009.

RESOLVED: That –

1. Dr. Sukhwinder Singh, Professor, University Institute of Engineering & Technology, be absorbed/regularized in the University service w.e.f. 01.08.2011; and

Senate Proceedings dated 29th December, 2023

2. regarding regularization of deputation period and to resolve financial implications, if any, a Policy be framed by a Committee of legal luminaries to be constituted by the Vice Chancellor.

Y.P. Verma
Registrar

CONFIRMED

RENU VIG
VICE-CHANCELLOR