

Government of Haryana
Finance Department



हरियाणा सरकार
वित्त विभाग

MOST URGENT/ DATE BOUND/ COURT CASE

No. 6/86/2018-3PR(FD)/1483

From

Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. Additional Chief Secretary to Government, Haryana,
Higher Education Department
2. Additional Chief Secretary to Government, Haryana,
Technical Education Department
3. Additional Chief Secretary to Government, Haryana,
Animal Husbandry Department
4. Additional Chief Secretary to Government, Haryana,
Agriculture and Farmer's Welfare Department

Dated, Chandigarh the 23.01.2024

Subject:-

Clarification regarding merging of five non-compounded advance increments granted at the entry level of recruitment for possessing the degree of Ph.D in the basic pay.

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I have been directed to invite your attention on the subject noted above and to state as under:-

1. That CWP No. 23919 of 2021 -Dr. Richa and another Vs. State of Haryana and CWP No. 2213 of 2018 -Dr. Pushpander Kadian and others Vs. State of Haryana (Higher Education Department) were filed by the petitioners with the prayer for merging the five non-compounded advance increments granted to the petitioners at the entry level of recruitment as Assistant Professors for possessing the degree of Ph.D in their basic pay strictly as per U.G.C guidelines and revise the Last Pay Certificate and release all consequential benefits including arrears of the difference of amount of salary upto date with interest @ 18% per annum.
2. The draft replies were vetted by the Finance Department and returned with the advice to file the same in the Hon'ble High Court after getting the same vetted from O/o Advocate General, Haryana.
3. The Hon'ble Court vide decision dated 15.02.2023 had disposed of the CWP No. 23919 of 2021 and CWP No. 2213 of 2018, the concluding para of the judgment is re-produced as under:-

"xxxxxx

.....In this regard, this Court finds force in the contention of the learned State Counsel that in terms of the judgment of the Hon'ble Apex Court in Jagdish Prasad Sharma's case (supra), the recommendations made by the UGC are not binding upon the respondent-State, unless the same are opted for by the State. The Hon'ble Apex Court in the said judgment, after considering the various aspects of the matters, has held as under:-

- "65. We are then faced with the situation where a composite scheme has been framed by the UGC, whereby the Commission agreed to bear 80% of the expenses incurred by the State if such scheme was to be accepted, subject to the condition that the remaining 20% of the expense would be met by the State and that on and from 1st April, 2010, the State Government would take over the entire burden and would also have enhanced the age of superannuation of teachers and other staff from 62 to 65 years. There being no compulsion to accept and/or adopt the said scheme, the States are free to decide as to whether the scheme would be adopted by them or not. In our view, there can be no automatic application of the recommendations made by the Commission, without

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Date 28/4/25
O/o Controller, LUGAS, Haryana

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any conscious decision being taken by the State in this regard, on account of the financial implications and other consequences attached to such a decision. The case of those Petitioners who have claimed that they should be given the benefit of the scheme, dehors the responsibility attached thereto, must, therefore, fail."

..... In view of the above, this Court is of the considered opinion that the petitioners cannot seek merging into their pay, the five non-compoundable increments. Firstly, in view of the judgment of the Apex Court in Jagdish Prasad Sharma's, the recommendations of the UGC are not ipso-facto applicable to the respondent-State and secondly, the UGC itself has issued a clarification that the grant of five non-compoundable increments, must be kept as a fixed and separate component.

In view of the above, finding no merits in the present petitions, the same are hereby dismissed."

It is worthwhile to mention that while deciding the above mentioned issue/CWPs the Hon'ble Court has observed that the recommendations of the UGC are not ipso-facto applicable to the respondent-State. Hence, any recommendation of Government of India/UGC may not be implemented without the prior approval of the State Government (Finance Department, Haryana).

Therefore, a copy of the judgment dated 15.02.2023 is sent herewith with the advice that the similar issues/ pending court cases/ legal notices be defended/ examined while considering/ incorporating the facts of the said judgment.

Chief Accounts Officer,
for Additional Chief Secretary to Government Haryana,
Finance Department

Endst. No. 6/86/2018-3PR(FD) /1483

Dated 23.01.2024

A copy is forwarded to Advocate General, Haryana with the request to bring the same into the notice of Law Officers under their control so that the subject cited cases could be defended efficiently in the court of law.

Chief Accounts Officer (PR)
for Additional Chief Secretary to Government Haryana,
Finance Department

Endst. No. 6/86/2018-3PR(FD) /1483

Dated 23.01.2024

A copy is forwarded to Director Local Audit Department with the request to bring the same into the notice of their Audit Officers posted in the Universities.

Chief Accounts Officer (PR)
for Additional Chief Secretary to Government Haryana,
Finance Department

Endst. No. 6/86/2018-3PR(FD) /1483

Dated 23.01.2024

A copy is forwarded to the Director Prosecution Department with the request to bring the same into the notice of all the officers of Attorney Cadre under their control so that the subject cited cases could be defended efficiently in the court of law.

Chief Accounts Officer (PR)
for Additional Chief Secretary to Government Haryana,
Finance Department

OFFICE OF COMPTROLLER, LUVAS, HISAR

Endst. No. CVU/LUVAS/IF/2025/1317-65

Dated: 20/5/25

Copy of the letter, issued by the Additional Chief Secretary to Government Haryana, Finance Department vide Memo No. 6/86/2018-3PR(FD)/1483 dated 23.01.2024 is forwarded to all Deans/Directors/Officers/Heads of Departments/Offices (including outstations) LUVAS, Hisar. Under the above mentioned letter, the Govt. has referred to the decision dated 15.02.2023 of the Hon'ble High Court (CWP No. 23919 of 2021 and CWP No. 2213 of 2018) with the advice that similar issues/pending court cases/legal notices be defended/examined while considering/incorporating the facts of the said judgment. The Vice-Chancellor has approved the adoption of above instructions of the Govt. for implementation in this University. Further, action in the matter may please be taken, accordingly.


Comptroller/20/5/25

CC:

1. O/o Vice-Chancellor, LUVAS, Hisar
2. Joint Director (Local Audit), LUVAS, Hisar
3. Dr. Dinesh Mittal, Incharge, University Website, LUVAS, Hisar for uploading the above instructions on the University website
4. Dr. Neelesh Sindhu, Assistant Professor, Social Media Champion, LUVAS, Hisar
5. P.S. to Comptroller, LUVAS, Hisar