



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CWP-21207-2021
Decided On: 05.09.2025

VIJAY LAKSHMI SHARMA

....PETITIONER(s)

Versus

M. D. UNIVERSITY, ROHTAK AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate
for respondents no.1 and 2/University.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA J.(Oral)

The petition is pressed by learned counsel for the petitioner only to the extent a writ of *mandamus* has been sought directing the respondents to grant additional benefit of three years' service towards pension and gratuity on the basis of her husband being a Ph.D. degree holder at the time of entering into service, in the light of judgment rendered by this Court in LPA-27-2006 titled *The Vice-Chancellor, Maharshi Dayanand University, Rohtak and another v. Dr. Jahan Singh*.

2. As per facts apparent on record, the petitioner's husband joined as temporary Lecturer in In-organic Chemistry in the Kurukshetra University Post Graduate Regional Centre, Rohtak, with effect from 12.10.1973, and worked there till 27.04.1974. Later, he applied for the post of Lecturer in In-



organic Chemistry at the same Regional Centre in response to advertisement 17/75 and was duly selected. He accordingly joined the Department on 20.08.1975. After rendering about twenty-seven years of service, he superannuated on 30.11.2002. Due retiral as well as pensionary benefits were given to him by counting his qualifying service with effect from 12.10.1973, and after his death on 26.09.2020, family pension was released to his widow (petitioner herein).

3. Learned counsel for the petitioner contended that the petitioner's husband was a Ph.D. holder at the time of joining service; to substantiate the fact reliance has been placed upon a photocopy of the certificate dated 05.02.1972, Annexure P-6. And as per law laid down by the Division Bench in LPA-27-2006, a University teacher was held entitled to the benefit of three years service as he had acquired Ph.D. degree at the time of joining service, to get full retiral benefits. The service was held admissible in terms of the University Grants Commission (UGC) notification dated 24.12.1998.

4. Learned counsel for the University, on the contrary, contends that the petition itself is not maintainable as it has been filed after about twenty years of unexplained delay. Besides, the University is not having record of service of the petitioner's husband and even his Ph.D. degree is not available with them. Therefore, he is not entitled to the benefit of the UGC notification.

5. Submissions made by learned counsel of the parties have been considered.

6. Apparently, the petitioner's husband retired from service on 30.11.2002, and was granted pension by counting his service from the date he joined the University Regional Centre on temporary basis, i.e., 12.10.1973.



After his death, the petitioner has been getting family pension. The first representation to claim the benefit of three years' service was filed by the petitioner's husband on 17.01.2020, about eighteen years after retirement. A perusal of the judgment by the Division Bench which incorporates the UGC notification, shows it has been issued to give benefit of full pensionary benefits to teachers on the basis of Ph.D. degree held by them at the time of joining service. It could not be shown that the petitioner's husband was not granted full pensionary benefits at the time of his retirement. Further, the Ph.D. degree certificate relied upon by the petitioner to claim that her husband was holding the Ph.D. degree at the time of joining service, can also not be believed on the face of it. The certificate, dated 05.02.1972, does not even specify the topic of his thesis, nor the subject in which the degree has been awarded. Also, the University has no record to verify the facts in this regard.

7. In view thereof, there is no merit in the petition and it stands dismissed.

05.09.2025

Ad

Whether speaking/reasoned?

Whether reportable?

(TRIBHUVAN DAHIYA)

JUDGE

Yes/No

Yes/No