

Narain Dev and Others

Vs

Punjab University and Others

Civil Miscellaneous Petition No. 9808 of 1987

(Sabyasachi Mukharji, G. L. Oza JJ)

03.08.1987

ORDER

1. This is an application for taking action in contempt for the violation of the order of this Court. This Court by the order dated May 8, 1981 observed :

" ... but the impression of the High Court that the Syndicate was competent to appoint Class I Officers is clearly wrong in view of the regulation under which the Senate alone is the appointing authority. The proper procedure in such cases for the Syndicate is to get the approval of the Senate first for appointing a Selection Committee and after the appointment is made, to send the same for approval to the Senate ..."

2. It is the allegation of the petitioners that in spite of the aforesaid direction of this Court the University and the Syndicate have been following the previous way. In the affidavit-in-opposition filed by Mr. R. P. Bambah, Vice-Chancellor of Punjab University it has been asserted that subsequent to the aforesaid observation of this Court, amendment of the Rules and Regulation 10.2 of the Punjab University Regulation was made and by which the authority was given to the Vice-Chancellor to constitute a selection committee and thereafter to make the selection and to get appointment approved by the Senate.

3. Regulation 10.2 of the Punjab University Calendar provides as under :

"Consistent with the provisions of the Punjab University Act, the Senate may delegate any of its functions to the Syndicate, to the Vice-Chancellor or to a Committee appointed from amongst the members of the Senate."

4. The petitioners state that such delegation of authority is not warranted by the regulation. It is however stated that there was delegation of the authority to the Vice-Chancellor. The validity or otherwise of such delegation pursuant to regulation is under challenge in the High Court has approved the same but there an appeal has been filed which is pending. In that view of the matter we are of the opinion that no case has been made out in this case for taking proceedings in contempt or making the appointment impugned in the present application. In that view of the matter we are satisfied that no case has been from taking any action alleged contempt of the order of this Court.

5. The CMP is disposed of accordingly.

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