

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 5088 of 1996@@  
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State of Punjab & Anr. ...Appellant (s)

Versus

Sardari Lal & Ors. ...Respondent(s)

WITH

[C.A. Nos. 9131, 9507-9508, 9510 of 1996, 2703 and 4652 of 1997]

O R D E R~@@  
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In these appeals by the State of Punjab, the common question that arises for consideration is whether the State Government has any power to override the decision of the appropriate authority of the University when such power is not conferred directly upon the State Government under the Statute or any regulation framed thereunder?

The State Government being the authority which funds the University for several purposes sought to rely upon the provisions of Sections 19, 23 and 25 of the Guru Nanak Dev University Amritsar Act, 1969 (for short "the Act") and it was contended that the provisions of the aforesaid sections if read together, it would appear that the State Government retains the power of control, particularly when it relates to the funds being spent by the University for various purposes including the grant of accelerated increment and allowance to ...2

(2)

its employees.

Under the University Statute, Statute 41 deals with the grant of accelerated increment and allowance and power is conferred upon the Syndicate or the Vice Chancellor or the Registrar. The power of the State Government under Section 25 of the Act to get the accounts of the University audited will not include within its sweep any power to nullify a decision of the appropriate authority of the University in the matter of grant of accelerated increment or allowance which has been specifically conferred upon the authorities of the University. The power of the State Government under Section 23 of the Act is to the effect that the State Government may provide such amounts by way of grants for meeting the capital recurring or other expenditure of University as it may deem fit. Merely because the State Government has been conferred power to provide amounts by way of grant for meeting the expenditure of the University will not clothe the State Government any further control in the matter of expenditure or the service condition of the employees which is specifically provided for in the Statute itself and the Statute confers powers on the



RECORD OF PROCEEDINGS

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Date : 28/11/2000 These petition(s)/appeal(s) was/were called  
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s) Mr. Krishnan Venugopal, Adv.  
Mr. Uday Tiwary, Adv. for  
Mr. Rajiv Kumar, Adv.

For Respondent (s) Mr. S.K. Mehta, Adv.  
Mr. Dhruv Mehta, Adv.  
Ms. Shobha, Adv.

Mr. S.K. Gambhir, Sr. Adv.  
Mr. Anil K. Sharma, Adv.  
Mr. Awanish Sinha, Adv.

Mr. K.L. Taneja, Adv.

Mr. R.K. Maheshwari, Adv.

Mr. Pankaj Kalra, Adv.

Mrs. Sureshta Bagga, Adv.

RR-Ex parte

UPON hearing counsel, the Court made the following  
O R D E R

.....L.....I.....J  
.SP2

The appeals fail and are dismissed in terms of the  
signed order.

.SP1

(J.S. Rawat)  
Court Master

(Suneet Bala Sharma)  
Court Master

(Signed order is placed on the file)