

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.19277 of 2011 (O&M)
Date of decision: 26.08.2015**

Dr. Neeraj Kumar

..... Petitioner

Versus

The National Institute of Pharmaceutical Education and Research and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present : Mr. Puneet Sharma, Advocate for the petitioner.

Mr. J.S. Puri, Advocate for respondent Nos.1 to 3.

AMOL RATTAN SINGH, J. (Oral)

In terms of order dated 24.08.2015, Mr. Puri, learned counsel appearing for the respondent-institute, has handed over in Court today, the result of the selection, in the Career Advancement Scheme, as decided by the Selection Committee on 29.10.2009, given to him by the Registrar of the respondent-institute. In the said single page recommendation, it is recorded as follows:-

“The Committee considered and recommended to renew his contract. The committee further recommended his promotion to the post of Associate Professor initially for a

period two years and subjected to review by the Selection Committee”.

Mr. Puri, has further submitted, that since the petitioner himself, along with one other person, had raised an objection regarding the constitution of the Selection Committee itself, therefore, though the recommendation was put up to the Board of Governors, it was kept in abeyance by the Board. Thereafter, the Board of Governors was dissolved on 07.12.2009 and a new Board of Governors was constituted only on 22.06.2011. The recommendation of the Selection Committee in favour of the petitioner again was put up on 2.8.2011, when the Board decided to constitute a Special Committee to consider the selection of the petitioner and the other person, who had objected along with him, to the post of Associate Professor in their respective fields.

However, that Special Committee was also never constituted, in view of the fact that in un-related circumstances, the petitioner had to face a charge sheet, which eventually resulted in his being compulsorily retired from the respondent-institute. A writ petition against the compulsory retirement was filed but was dismissed on 22.04.2015; against which the petitioner is stated to have filed an appeal, which is pending before a Division Bench of this Court.

Learned counsel for the petitioner further points out that the Division Bench passed an interim order in the Letters Patent Appeal (LPA No.1067 of 2015), as follows:-

“It is, *inter-alia*, contended that (i) unless the rule provides otherwise, the appellant who was appointed on contractual basis could not be subjected to disciplinary action

and/or be inflicted with the punishment of compulsory retirement; (ii) the Central Civil Services (Conduct) Rules, 1964 are undisputably inapplicable; (iii) the enquiry proceedings are vitiated for want of *bonafide*, and (iv) the observations made by learned Single Judge in the last paragraph of the order clearly suggest the vindictive attitude of respondent-authorities.

The matter requires consideration.

Admit.

Let this appeal be listed for final hearing within one year.

Meanwhile, the impugned punitive action shall cause no impediment against future employment of the appellant”.

The above is with regard to the disciplinary proceedings against the petitioner.

However, as regards the result of the petitioner's selection to the post of Associate Professor, in 2009, the petitioner's prayer, as submitted by learned counsel, on instructions, is now limited in this present petition to production of the recommendation of the Selection Committee, considering his candidature for the post of Associate Professor, as per submissions made in Court on the last date of hearing and today. On specific query, the petitioner (also present in Court) submitted that he does not wish to contest the petition on merits, but is only interested in declaration of the recommendation. The same having been done and the recommendation reproduced here-above, this petition has been rendered infructuous and is disposed of as such.

The record in the form of the recommendation has been returned to learned counsel for the respondents.

August 26, 2015

Manoj Bhutani

**(AMOL RATTAN SINGH)
JUDGE**