

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

C.W.P. No.5067 of 2015

Date of Decision : 20.03.2015

Yashwant Singh Verma

..... Petitioner

Versus

Deenbandhu Chhotu Ram University of Science and Technology

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Kanisth Ganeriwala, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order of his employer dated 04.02.2015 (Annexure P-17) asking him to refund the salary which was given to him during his study leave period.

The petitioner is an Assistant Professor in the respondent-University and applied for admission to Ph.D programme under QIP scheme at IIT Delhi. After having been selected he was granted study leave by letter dated 31.12.2013 (Annexure P-6). However, by a letter dated 06.01.2015 a copy of which has been handed over by the learned counsel and is taken on

record as Mark 'A', the IIT Delhi terminated the registration of the petitioner on the ground of unsatisfactory performance in the first and second semesters. Consequent to that the impugned order dated 04.02.2015 (Annexure P-17) was passed asking him to deposit back the salary which was paid for the study leave period. Reliance was placed on Rule 19.14.1 (xiii) as per which a person who is unable to complete his studies within the period of study leave granted to him shall be liable to refund to the University, the amount of leave salary and allowances and other expenses, incurred on the teacher or paid to him or on his behalf in connection with the course of study.

Learned counsel has argued that funds which were given to the petitioner was actually sponsored by the World Bank and the University has no right to take the money back.

In my opinion, this argument is highly misconceived. It is not disputed that the petitioner was granted study leave as per the aforesaid rules. Those very rule enjoin upon the teacher who is not able to finish his course to refund the funds which has been paid to him during that time. Source of those funds is hardly the concern of the employee. In the circumstances, there is no merit in this petition.

Petition is dismissed.

March 20, 2015

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**(AJAY TEWARI)
JUDGE**