IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13376 of 2005 (O&M)

Date of Decision: 6.4.2016

Ram Lok Chaudhary ... Petitioner

Versus

Punjab Agricultural University ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:Mr.Sanjeev Pandit, Advocate for the petitioner

Mr.H.N.S.Gill, Advocate for the respondents

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. Having heard the learned counsel for the parties at considerable length, in the considered view of this Court the matter can be resolved in the best possible manner by putting the imprimatur of the court on the report (Annex. R-13) prepared by the Committee headed by the Registrar of the respondent university; which committee comprised of members including the Controller, the Estate Officer and the Chief Engineer of the respondent. The report was prepared and submitted to the Vice Chancellor in February, 2013 and the same has been accepted by the Vice Chancellor of the Punjab Agricultural University, Ludhiana. All that remains as against the petitioner is for refund of a sum of Rs.15,226.54, which amount has admittedly been deposited by the petitioner in the accounts of the respondent University. So far as the Measurement Books are concerned, they are far too old to use against the petitioner as in all probability evidence may not even be available of the civil work to substantiate misconduct committed in the works contracts in which

the petitioner was involved in carrying out constructions completed over two decades ago. Then it may not be physically or practically possible to lay any concrete blame at the door of the petitioner by production of legal evidence to establish misconduct allegedly committed in the remote past in the year 1985.

2. As a result, the petition is accepted. The petitioner would be granted regular pension and if any amount towards terminal benefits remains due and payable, the same will also be paid to the petitioner within two months from the date of receipt of a certified copy of this order.

3. This is the end of the first phase of the problem faced by the petitioner. There is however another problem to be resolved which relates to another charge-sheet issued on 10th May, 1994 alleging that the petitioner had not deposited the said Measurement Books [on which the first charge rested] to proper custody. In view of the above prevailing circumstances it is deemed appropriate in order to serve the ends of justice for both the disputing parties after having put quietus to the first problem, then it would follow that the second problem which is ancillary and incidental to the main alleged charge should also be put to an end. This Court is therefore of the considered opinion that the second charge-sheet has also become stale and rendered infructuous and revival of the enquiry proceedings initiated under the twenty year old charge-sheet will serve no useful purpose and hence it is directed that the same should ordered to be filed as the same has not so far culminated in passing of any orders adverse to the interest of the petitioner. The petitioner's retirement will be treated as an honourable one entitling him to relief prayed in the petition without let or hindrance.

4. Hence the petition is disposed of in the above terms. Suffice it to say that the outstanding monetary dues be now released to the petitioner within a reasonable time and preferably within three months from the date of

supply of a certified copy of the order. On equitable grounds prayer for interest on the amounts withheld is not accepted in view of the nature of the order passed to put an end to the *lis*.

(RAJIV NARAIN RAINA)
6.4.2016 **JUDGE**
MFK