

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

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**CWP No. 26368 of 2015 (O&M)
Date of decision: 26.08.2016**

Neeraj Kumar

....Petitioner

Versus

National Institute of Pharmaceutical Education
and Research and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

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

Mr. J.S.Puri, Advocate for respondents No. 1 to 3.

Mr. Satya Pal Jain, Additional Solicitor General of India, with
Mr. Dheeraj Jain, Sr. Counsel for respondent No. 4.

P.B. Bajanthri, J. (Oral)

CM No. 6832 of 2016

This is an application for exemption from filing certified copy of Annexure P18. Heard. In view of the reasons mentioned in the application, which is duly supported by an affidavit, same is allowed.

CM stands disposed of.

CM No. 6833 of 2016

This is an application for placing on record Annexure P18. Heard. Allowed as prayed for.

CM stands disposed of.

CM No. 6918 of 2016 and Main case

During the course of the arguments in CM No. 6918 of 2016 it was noticed that on 21.03.2013, the petitioner is stated to have been removed from service. Thereafter, he preferred an appeal before the appellate authority. The appellate authority modified the penalty of removal from service to that of compulsory retirement.

Feeling aggrieved by the order of compulsory retirement, he preferred a writ petition before this Court. Learned Single Judge uphold the order of the appellate authority. Still aggrieved by the order of the learned Single Judge, he preferred a LPA. LPA is pending consideration before this court. As on 21.03.2013 the petitioner is seized to be an employee of the respondent-the National Institute of Pharmaceutical Education and Research. Therefore, his claim in the present petition is relating to quashing of order dated 13.09.2011 (Annexure P-4) and experience certificate dated 14.08.2015 which are not in consonance with the resolution passed by the Board of Governors dated 02.08.2011 vide Annexure P9 and further sought for a direction to issue correct experience certificate to the post of Assistant Professor for the period from 29.07.2003 to 28.07.2008 and for the post of Associate Professor from 29.07.2008 to 21.03.2013 with consequential benefits including implementation of a resolution of the selection committee. The relief sought in the present petition do not survive for consideration, since the petitioner is no more an employee of the respondents. If the petitioner succeeds in the case of the removal from service/compulsory retirement in the court of law then only right will revive as and when order of removal from service/compulsory retirement is set aside. The petitioner can approach this Court as and when penalty order is

set aside, reserving that liberty so also reserving liberty to the respondents to urge all the contentions which are taken in the present writ petition. In other words leaving open all the contentions.

CWP stands disposed of.

All the CMs stands disposed of in view of the order passed in CM No. 6918 of 2016 and in the main petition.

26.08.2016
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons	Yes/No
Whether Reportable:	Yes/No