

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

CWP No. 9693 of 2014

Date of decision:-05.04.2016

Deepak Narang

...Petitioner

versus

Kurukshetra University and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Chander Shekhar, Advocate
for the petitioner.

Mr.G.S. Sidhu, Advocate
for respondent No. 1.

Mr. Rajesh Gaur, Addl.A.G. Haryana

Mr. Vikas Chatrath, Advocate for
Mr. D.K. Singal, Advocate
for respondent Nos. 3 and 4.

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

RITU BAHRI , J. (Oral)

Petitioner has approached this Court praying for issuance of writ in the nature of certiorari for quashing order dated 01.01.2014 and further for issuance of direction to the respondents to disburse the salary and other amounts along with interest

The petitioner served the respondent-Institute for a period of one year i.e from 16.08.2010 to 17.08.2011 but the salary only for the

period from 01.06.2011 to 17.08.2011 was not paid to him despite the fact that the petitioner resigned from his job and no objection certificate was also issued to him. Petitioner filed CWP No.9010 of 2013, which was disposed of on 29.04.2013 by giving a direction to decide the legal notice of the petitioner. However, in spite of directions issued by this Court, the case of the petitioner was not considered and thereafter, contempt petition was filed. Thereafter, the petitioner was issued a letter dated 01.01.2014 (Annexure P-9) by the respondents, wherein, certain allegations have been alleged against him.

On notice, a written statement has been filed on behalf of respondent No. 3 and 4 taking a stand that the petitioner had indulged in the activities whereby he has encouraged other staff members for strike and non co-operation and consequential maligned the image of the institute and caused huge damage to its reputation and in view of ICL Employees Handbook, Para No. 7.1, the petitioner was not given salary of three months.

The stand of the respondents is liable to be rejected as the salary cannot be withheld on the ground that the petitioner had indulged in the activities whereby he has encouraged other staff members for strike and non co-operation. It is not the case of the respondent that any charge sheet has been issued to the petitioner or any enquiry was pending against him.

In the absence of any enquiry, the writ petition is ***allowed*** and direction is given to respondent Nos. 3 and 4 to release the salary of the petitioner w.e.f 01.06.2011 to 17.08.2011 @ 9 % per annum, within a period of four weeks from the date of receipt of certified copy of this order.

However, the claim of the petitioner with regard to payment of PF and TDS amount be made to him is rejected as respondent No. 3 and 4 in written statement has clearly stated that no PF and TDS has been deducted from the salary of the petitioner.

(RITU BAHRI)
JUDGE

05.04.2016

G Arora