

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

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IN VIRTUAL COURT

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**CM-3202-CWP of 2020,
CM-12773-CWP of 2020 in/and
CWP No. 3812 of 2020
Date of decision : 21.1.2021**

Dr. Sushil Kumar Sharma

.....Applicant/Petitioner

Vs.

Baba Mastnath University and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ankit Chowdhri, Advocate, for the applicant/petitioner
Mr. Akshay Bansal, Advocate, for the respondents

Rajbir Sehrawat, J. (Oral)

**CM-3202-CWP of 2020,
CM-12773-CWP of 2020 :**

These are the applications for placing on record copy of charge sheet in compliance of the order dated 28.9.2020, passed by this Court and for placing on record Annexures P-17 and P-19 and for exemption from filing the certified copies of the same.

For the reasons mentioned in the applications, the same are allowed. copies of charge sheet and Annexures P-17 and P-19 are taken on record.

Main Case :

This petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing the impugned order dated 5.12.2019 (Annexure P-13) and charge sheet filed against the petitioner dated 24.1.2020 (Annexure P-16). It is further prayed that the disciplinary proceedings against the petitioner be stayed.

The counsel for the respondent has submitted that the enquiry proceedings against the petitioner have been completed. The status in that regard has been sent to the High Court in sealed cover. Now only the final steps regarding the fate of the enquiry are to be undertaken by the respondents.

In response to this, the counsel for the petitioner has submitted that the respondent University has not even paid the subsistence allowance to the petitioner. It is further submitted that if the respondents clear the arrears of the subsistence allowance then the petitioner would withdraw the present petition to face further proceedings, which the respondents may undertake regarding the enquiry and would avail his remedies against the result of the enquiry, if the same goes against the petitioner.

As response to this, the counsel for the respondents has submitted that the respondent University will clear the entire dues of subsistence allowance to the petitioner before taking any further steps qua the enquiry.

In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioner to avail his legal remedies during the enquiry in question, as well as, with liberty to avail his legal remedies, if he would be aggrieved of the result of the enquiry.

However, it is clarified that before proceeding further against the petitioner, the respondent University shall pay the entire arrears of the subsistence allowance upto date and shall continue to pay the same to the petitioner regularly till the proceedings of the enquiry are concluded.

The record, if any, received from the respondent University, be returned to the University.

(RAJBIR SEHRAWAT)
JUDGE

21.1.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No