

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

121+251

CWP-1953-2022 (O&M)

Date of Decision : 28.11.2023

RAJAN THOMAS

..... PETITIONER

V/S

THE INDIAN COUNCIL OF SOCIAL SCIENCE RESEARCH (ICSSR),
NEW DELHI AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Pritam Saini, Advocate
for the petitioner.

Mr. Salil Sabhlok, Advocate
for respondent No.1.

Mr. Sandeep Singh, Advocate
for respondents No.2 and 3.

JAGMOHAN BANSAL, J. (Oral)

1. On 21.11.2023, the following order was passed :-

“Learned counsel for the petitioner submits that case of the petitioner is squarely covered by judgment dated 17.10.2023 passed by this Court in CWP No.15363 of 2022. The respondent had initiated proceedings against various employees who approached this Court. Many employees filed a common Writ Petition No.15363 of 2022 before this Court which has been adjudicated by judgment dated 17.10.2023. The Court has

directed ICSSR to release grants of salary to CRRID within 45 days from the date of receipt of certified copy of this judgment. The CRRID has been further directed to pay salary to the petitioners within 15 days from the date of receipt of grants from ICSSR. The petitioner has already been paid salary as well gratuity, however, leave encashment has been withheld without any reason. The petitioner was appointed and thereafter promoted as per applicable Rules by CRRID and at this belated stage, they have no right to allege that appointment or promotion was contrary to Rules. The respondent is making all allegations on the basis of directions of ICSSR.

Learned counsel for the respondent submits that respondent has issued recovery notice to different employees, including the petitioner, whose names surfaced in the enquiry report, thus, the petitioner at this stage cannot be released leave encashment. He further seeks time to produce copy of recovery notice issued to the petitioner.

Adjourned to 28.11.2023.”

2. Learned counsel for the petitioner concedes that respondent has issued recovery notice with respect to salary paid during his tenure. He further submits that the petitioner has preferred CWP No.26644 of 2023 assailing recovery notice dated 12.02.2022 read with notice dated 26.05.2022. He agrees to the fact that in view of issuance of recovery

notice and challenge laid to said notice by way of independent writ petition, the present petition has rendered infructuous.

3. Disposed of as rendered infructuous.
4. Pending applications, if any, shall also stand disposed of.

28.11.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>