

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

LPA-968-2023 (O&M)

Decided on : 16.02.2024

Dr. R.K. Singh

.....Appellant(s)

Versus

Chancellor, Kurukshetra University and another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. Sumit Guleria, Advocate for
Mr. S.S. Pathania, Advocate for the appellant (s).

Ms. Priyanka Goyal, Advocate for
Mr. A.S. Virk, Advocate for the respondents.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-2473-LPA-2023

Application for condonation of delay of 180 days in re-filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit of the counsel. Delay of 180 days in re-filing the appeal is condoned.

CM stands disposed of.

LPA-968-2023

1. Challenge in the present letters patent appeal is to the order of the learned Single Judge dated 21.09.2022, whereby CWP-21258-2022 filed by the appellant was dismissed.

2. The learned Single Judge noticed that the appellant has been accused of sexual harassment and an inquiry had been held against him and thereafter he had been compulsorily retired on 15.12.2014 (Annexure P-1), which was also subject matter of challenge. Thereafter, he was re-employed

having accepted the terms of re-employment and filed an affidavit of acceptance. The re-employment taking place on 17.11.2016 (Annexure P-4), which was also subject to certain terms and conditions and rather he was put under the surveillance of CCTV Cameras for a period of 5 years. Relevant part of the said order reads as under: _

“RES.NO.7 DATED 24.08.2016:

RESOLVED THAT DR. R.K. SINGH, ASSISTANT PROFESSOR (RETD.) UNDER SFS, DEPARTMENT OF FINE ARTS BE GIVEN FRESH APPOINTMENT WITH INITIAL PAY.

FURTHER RESOLVED THAT HE BE DEBARRED PERMANENTLY FROM HOLDING ANY STATUTORY POSITION INCLUDING CHAIRPERSON AND MEMBER OF ANY COMMITTEE/BOARD OF STUDIES, ENROLEMENT OF PH.D. STUDENTS ETC. ALSO RESOLVED THAT HE WILL ONLY TEACH THE CLASSES UNDER THE SURVEILLANCE OF CCTV CAMERAS AND WILL REMAIN UNDER OBSERVATION FOR 5 YEARS.”

3. Apparently, he chose not to object at that point of time against the order of re-employment and accepted the terms which had been noticed by the learned Single Judge. Merely because he had filed an appeal which had been rejected on 06.07.2018 (Annexure P-6), he chose to file the writ petition after a period of 4 years in the year 2022. The learned Single Judge resultantly while dismissing the writ petition issued further directions regarding keeping the writ petitioner under strict watch and if any misbehaviour by him takes place, he should be dealt with sternly.

4. We are of the considered opinion that even the writ petition was not maintainable at that stage, having filed the writ petition after 4 years of the dismissal of the appeal, which was also time barred at that point of time.

Apart from the said fact, the petitioner is also barred by principle of estoppel

having not challenged the order of re-employment, which had been passed in the year 2016. Having accepted the terms of re-employment two years later whereby certain conditions were put, only dismissal of the appeal, does not give any fresh cause of action at a belated stage.

5. Resultantly, findings recorded by the learned Single Judge do not suffer from any infirmity which would warrant interference, in view the peculiar facts and circumstances. The appeal is, accordingly, dismissed in limine.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

February 16, 2024
Naveen

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No