2024:PHHC:073880-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA NO.310 OF 2024 (O&M)

DATE OF DECISION : MAY 16, 2024

Indian Council of Social Science Research (ICSSR)

...Appellant

Versus

Dr. Neetu Gaur and others **...Respondents**

AND

LPA NO.1043 OF 2024 (O&M)

Indian Council of Social Science Research (ICSSR)

...Appellant

Versus

Hans Lal and Others **...Respondents**

CORAM : HON'BLE MR. JUSTICE G. S. SANDHAWALIA ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE LAPITA BANERJI

Present : Mr.Sanjay Kaushal, Senior Advocate with
Mr. Ishan Bhardwaj, Advocate,
For the appellant.

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Sandeep Sharma, Advocate,
For the respondent-CRRID.

Mr. Rahul Bhargav, Advocate,
For respondents No.1 to 17 in LPA-310-2024 and
For respondents No.1 to 14 in LPA-1043-2024.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

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LAPITA BANERJI, J.

By this judgment and order two letters patent appeals being LPA No.310 of 2024 and LPA No.1043 of 2024 are being disposed of together, as common questions of law and facts are involved in both the appeals. The facts of the case are taken from LPA No.310 of 2024 arising out of CWP No.15363 of 2022, as LPA No.1043 of 2024 arisen out of CWP No.15756 of 2022 decided on December 15, 2023 following the earlier order.

2. Consideration in the present letters patent appeal being LPA No.310 of 2024 is to a judgment and order dated October 17, 2023 passed by an Hon'ble Single Judge of this Court in CWP No.15363 of 2022 "***Neetu Gaur and others v. Union of India and others***", whereby the Hon'ble Single Judge allowed the writ petition by directing the appellant-Indian Council of Social Science Research (for short, "ICSSR") to release the necessary grants to respondent No.19-Centre for Research in Rural and Industrial Development (for short, "CRRID") for payment of salary, for a stipulated period, to the writ petitioners who are the employees of CRRID. ICSSR was directed to release the funds within 45 days from the date of the receipt of the copy of the judgment. Correspondingly, respondent–CRRID was directed to make payment of the salary of the petitioners within a period of 15 days from the date of receipt of the grants from the appellant-ICSSR.

3. The facts culled out in the present appeals are as follows:-

i) Respondent No.19 in the present appeal/respondents No.3 and 4 in the writ petition is an autonomous research institute by the name of Centre for Research in Rural and Industrial Development (CRRID). It is a society registered under the Indian Societies Registration Act, 1860 sponsored by the appellant–ICSSR, New Delhi, and claims to be one of the 24 registered research institutes in the country.

ii) Respondent No.19–CRRID is governed by a Board of Governors, a body which has nominated representative/representatives of ICSSR and the Punjab Government. It functions under a grant-in-aid scheme of the Union of India administered through the appellant-ICSSR.

iii) The salaries of the employees are supported by a grant-in-aid from ICSSR to the extent of 45% with a matching grant of 45% from the State of Punjab. The remaining 10% finances are arranged by CRRID itself, at its own level, for payment of salaries.

iv) The Board of Governors is the governing body of the institute prescribed to manage the affairs of the CRRID. Under the grant-in-aid scheme, the grants are provided by the Government of India through ICSSR for recurring and non-recurring expenses, subject to fulfillment of the conditions prescribed therein.

v) Vide letter dated September 18, 1984, the Government of India granted approval for the release of funds in the grant-in-aid scheme in favour of CRRID, upon the institute fulfilling the necessary conditions required for receipt of said grant. Since then regular grants were being given by ICSSR to CRRID, in terms of the Scheme.

vi) Upon various complaints being received by the ICSSR in 2017 qua the functioning of CRRID, an enquiry was conducted by ICSSR. In the said enquiry, certain deficiencies were found in the manner of functioning of and disbursement of funds by respondent-CRRID.

vii) The respondent-CRRID was required to rectify such deficiencies which were intimated to them by the ICSSR. However, ICSSR did not take any steps to ensure such compliance by CRRID and had continued to release the grants till June, 2021.

viii) The writ petitioners were appointed after due approval by ICSSR as employees of the respondent-CRRID in various years between 1988 to 2016, at different positions in the various research projects.

ix) All the appointments were made through a duly constituted Selection Committee against the posts sanctioned by the appellant-ICSSR as per the grant-in-aid scheme. The salaries of the employees were duly paid by CRRID on the release of grant by the appellant-ICSSR with matching grants by the Government of Punjab.

x) Suddenly, with effect from July, 2021 onwards the payment of salaries to the petitioners was stopped by respondent-CRRID, due to the grant-in-aid being stopped by appellant-ICSSR. The said action/inaction on the part of the respondents (both CRRID and ICSSR) necessitated the filing of writ petition by the employees/writ petitioners.

4. The Hon'ble Single Judge held that undisputedly the writ petitioners were appointed by the respondent-CRRID, against only 56 posts sanctioned by the Government of India through the appellant-ICSSR and continued to serve on the said posts for a long time. Furthermore, undisputedly the petitioners discharged their respective duties during the period under consideration for which the salary was being claimed in the writ petition.

5. The Hon'ble Single Judge further noted that the service of employees/writ petitioners were governed by the Service Rules for Centre

for Research in Rural and Industrial Development Revised Service Rules, 2010 (for short, "2010 Rules"). The 2010 Rules provided for appointment and disciplinary action due to which stoppage of salary may be permitted against the employees, for any misconduct. It was not the case of the respondents in the writ petition that the writ petitioners were inflicted with the punishment of stoppage of their salary by way of any order passed by the competent authority. Therefore, he held that the petitioners were entitled to their salary for the period for which they have actually worked, s*ans,* any other factor or aspect which could have had a collateral bearing in the matter.

6. The Hon'ble Single Judge was of the firm opinion that the allegations and counter-allegations in the pleadings between the appellant-ICSSR and respondent No.19-CRRID in respect of purported wrongdoings by the CRRID and the arbitrary action taken by the appellant-ICSSR were issues relating to *inter se* squabbling between the two bodies and could not by any means be the ground for justification for non-payment of due salaries to the writ petitioners. Hence, they were held to be entitled to the salaries for the period they have actually worked. Once the issue with regard to entitlement of the salary was answered by the Hon'ble Single Judge, he proceeded to address the issue with regard to fixing the responsibility for payment of salary of the petitioners on particular respondents in the writ petition. He rejected the argument by the appellant-ICSSR qua the fact that the writ petitioners were employees of the respondent-CRRID, an autonomous body and therefore, there was no liability on the part of appellant-ICSSR to pay their salaries.

7. The Hon'ble Single Judge opined that the argument made on behalf of the appellant may have seemed attractive in the first flush, however, on a deeper analysis of the materials on record, the *inter se* relationship between the appellant-ICSSR and respondent-CRRID was established. He accepted the argument made on behalf of the respondent-CRRID that the appellant-ICSSR was the supervising, controlling and regulatory body of the respondent-CRRID as under the scheme, the appellant was prescribed to be the sanctioning authority on behalf of the Government of India regarding posts which were to be filled up by the respondent-CRRID. Even the pay scales, revision thereof, and schedule of payment arising from the revision of pay scales of the employees were subject to the approval of the appellant-ICSSR.

8. Undisputedly, the appointment of the employees could be made by the governing body of the respondent-CRRID only against the above mentioned 56 sanctioned posts and in the manner and pay scales prescribed by the appellant-ICSSR. Furthermore, the reports regarding appointment and grant of pay scales were regularly sent to ICSSR for its approval and sanction. It was further noted that ICSSR had its nominees in the governing council of the respondent-CRRID and the said nominees participated in the meetings in which decisions regarding the appointment and service conditions of the employees were taken. Therefore, it was held that the appellant-ICSSR could not escape its liability towards payment of the salaries of the employees who have been appointed by the respondent-CRRID on the posts duly sanctioned by the appellant-ICSSR, with due participation and approval by its representative. Thus, the argument that since the appellant-ICSSR was not the appointing authority, it had no

responsibility in making payment of the salaries of the petitioners was rejected.

9. It was noted that control of the appellant-ICSSR upon the respondent-CRRID is so deep and pervasive that the appellant was also authorized to dispose of the properties of respondent-CRRID, if it intended to stop its activities or there was malfunctioning in the Institute-CRRID. It was held that such pervasive control over the finances, staff pattern, and properties of the respondent-CRRID cast a responsibility on the appellant-ICSSR to ensure timely payments of its share of grants for payment of the salaries of the employees who were appointed with its approval and consonance. Thus, the appellant-ICSSR was under a statutory obligation to release the necessary funds for making the payment of the salaries.

10. The Hon'ble Single Judge reproduced the relevant provisions of the grant-in-aid scheme to hold that even if there was some shortcoming or wrongdoing by the management of the respondent-CRRID that could not have been a ground for stoppage of salary of the employees by non-release of the grants, without compliance of the relevant provisions which are extracted herein below for ready reference:-

> ***"6. WITHDRAWAL OF ASSISTANCE***
>
> *If an aided Research Institution ceases to fulfill the conditions of eligibility laid down in Rule 4, or persistently violates any of the conditions of grant-in-aid, the Council may, after giving due notice to the Institution, declare the Institution as ineligible to receive assistance under these Rules under intimation to the Government of India, and may pass such orders as it may deem necessary regarding the disposal of the assets created with grant-in-aid given earlier to the Institution.*
>
> ***16. CONDITIONS OF ASSISTANCE (General)***

Research Institutions shall exercise the utmost economy in their working as also in respect of expenditure from the grants for building and equipment.

Xxx

(4) The scales of salaries and allowances of the staff of the Research Institutions shall be as sanctioned by the Council from time to time with the approval of the Government of India.

(5) There should be equal opportunity of employment for men and women of all states for appointment to the staff of the Research Institutions. Appointments shall be made by duly constituted Selection Committees appointed by management of the Research Institutions.

Xxx

(9) The Research Institutions receiving grant-in-aid under these Rules shall submit an achievement-cum-performance report every year. The Council will also arrange periodical review of the work of the Research Institutions assisted under these rules, provided that one such review shall be held in a period of five years.

17. CONDITIONS OF GRANTS-IN-AID (Special)

A Research Institution which receives a recurring grant of Rs.One lakh or more shall be subject to the following additional conditions:-

Xxx

(2) The Council shall nominate not more than two representatives on the Governing Body of the Research Institution.

Xxx"

11. In the opinion of the learned Single Judge, the appellant could have taken necessary action against the management of respondent-CRRID in their *inter se* dispute, as per the procedure prescribed but such dispute could not have been the basis for depriving the employees of their due salary. The grant-in-aid could have only been stopped upon giving several

advance notices to CRRID which were admittedly not given, in the present case. Furthermore, the mandate of Rule 6 was prospective in nature and could not have been applied for the period for which the employees had already served. The argument that the writ petitioners did not pray for the release of grant-in-aid by the appellant-ICSSR in favour of respondent-CRRID did not find any favour with him since the release of the said grant was not a standalone or separate transaction detached from the service benefits of the writ petitioners/employees. As the petitioners were informed by the respondent-CRRID that their salaries could not be released due to the stoppage of grant by the appellant, the same became a direct subject matter of the writ petition. He held that the argument forwarded on behalf of appellant-ICSSR was only an expression of intention of a regulatory organization, having absolute and subjective discretion to deal with the affairs and properties of the respondent-CRRID, in any manner it desired, without any corresponding responsibility.

12. The Hon'ble Single Judge referred to the action related reports referred to on behalf of the respondent-CRRID, which were not responded to by the appellant-ICSSR and the High Powered Committee's recommendations which were headed by an Hon'ble Retired Judge of this High Court constituted by the appellant-ICSSR. Even though by the High Powered Committee's report dated March 16, 2023, certain penal action had been recommended against the respondent-CRRID, but the very same report also recommended the release of money for payment of the salary to the staff and continuation of the research work by the students and research scholars. Therefore, the Hon'ble Single Judge held that even if penal action had to be taken by the appellant against CRRID based on such report, the

said course of action should have been taken within a specified/reasonable period after giving necessary opportunity of hearing to the respondent-CRRID, before stopping the grant.

13. Furthermore, it was noted by the Hon'ble Single Judge that the appellant-ICSSR had not proposed any penal action against its representative who had actually participated in the meetings where the decisions taken by the CRRID which were subsequently being objected to. Therefore, he allowed the writ petition by directing the appellant-ICSSR to release the grants of salaries to respondent-CRRID within a period of 45 days from the receipt of a certified copy of the order and directed the respondent-CRRID to make the payment to the petitioners within a period of 15 days from the date of receipt of such grant.

14. Mr. Kaushal, learned senior advocate appearing on behalf of appellant-ICSSR reiterated the arguments made before the writ Court and tried to impress upon this Court that employees of the respondent-CRRID were not the employees of the appellant-ICSSR and the appellant-ICSSR was not concerned in any manner with the payment of their salary. The appellant-ICSSR only provided the grant to the extent of 45% on account of salary of the employees and release of such grant was subject to fulfillment of the conditions by the respondent-CRRID. He referred to the initial report of the Enquiry Committee which was formed pursuant to the complaints made against the officials of CRRID, received through the Central Vigilance Commission and Vigilance Wing of the Ministry of Human Resource Development, New Delhi. The nine issues which were made the terms of reference for the Enquiry Committee are reproduced herein below:

"*The terms of reference of the Committee inter alia included:*

1. *Recruitment/promotion of staff allegedly on the basis of fake degrees, placement of faculty to higher grades and grant of additional increments against MHRD norms.*

2. *Alleged violation of ICSSR Grant-in-Aid rules in amending MOA and its misuse by BOG members of CRRID for availing large benefits.*
3. *Audit objections particularly about the elevation of faculty/staff to higher grades.*

4. *Alleged discrepancies in the implementation of 6th CPC and submission of incorrect records for this purpose.*

5. *Issues related to alleged violation of service rules including retirement age.*

6. *Non-responses of the queries forwarded by MHRD and other authorities of Govt. of India about CRRID.*

7. *Complaints about alleged violation of building bye-laws by CRRID.*

8. *Alleged nepotism and misuse of office facility and funds by Executive Vice Chairman of CRRID on purposeless abroad visits and visits within India.*

9. *Any other violation of ICSSR Grant-in-Aid Rules applicable to the CRRID as mentioned in the complaint.*"

15. The Enquiry Committee in its report dated May 29, 2017 recommended that CRRID should take corrective measures immediately, and the irregularities which had been committed by the Institute should be rectified, and necessary recovery should be made of the excess payment made due to such irregularities. The said report was communicated to the Director, CRRID. Reference was also made to a letter dated July 12, 2021 issued by the Deputy Secretary to the Government of India to the Member Secretary of the appellant-ICSSR enquiring as to the action taken by the appellant-ICSSR on the basis of the 2016 report of the Enquiry Committee.

A request made by the Deputy Secretary of Ministry of Education to take punitive action against the respondent-CRRID, which was still pending. Therefore, Mr. Kaushal argued that there was no infirmity or arbitrariness in stopping the grant-in-aid of respondent-CRRID, in 2021.

16. Mr. Sanjeev Sharma, learned senior advocate appearing on behalf of respondent-CRRID submitted that all the appointments of the employees/writ petitioners were made against the duly sanctioned posts by following proper procedure and with the due approval of appellant-ICSSR. The salaries of the employees and the pay scales to be granted to them had also been approved by the appellant-ICSSR. The representatives of ICSSR were also present in the meetings where the alleged irregularities and infirmities in appointments of the employees/functioning of CRRID were purportedly committed. Since the appellant's representatives were on the Board of the governing body of respondent-CRRID, therefore, all the actions were ratified by the appellant-ICSSR. The fact that no action was taken by the ICSSR from 2017 to 2021 was indicative of the fact that the appellant had slept over the issue. Attention of this Court was also drawn to the recommendations made by the two-member High Powered Committee which had been constituted by the appellant-ICSSR for looking into the matters relating to respondent-CRRID.

17. Mr. Sharma further argued that even though in the opinion of the Committee, CRRID may have committed certain irregularities/ wrongdoing, still a lenient view, as per the recommendations of the High Powered Committee, should be taken to release the amounts for payment of salary to the employees serving the respondent-CRRID and for continuing the studies of the students so that they achieved academic knowledge for

serving the country in future. He further took this court through the various action taken reports by the respondent-CRRID dated July 08, 2021, undertakings dated March 31, 2021, July 28, 2021, July 31, 2021 and October 25, 2021, whereby the proposed action plan against each of the findings of fact-finding/preliminary enquiry committee along with the timeline was also stated.

18. Vide an e-mail exchange dated July 31, 2021 between the Executive Vice Chairman, CRRID and Member Secretary, ICSSR, it was also notified to the appellant ICSSR that CRRID was in the process of calculating the recoveries as per the guidelines of ICSSR and would issue orders for the same by August, 2021. Therefore, it was contended on behalf of respondent-CRRID that the appellant wrongly intimated to the Ministry of Education, that no steps had been taken by the respondent-CRRID to comply with the recommendations of the fact-finding/preliminary enquiry committee.

19. Mr. Sharma also drew attention of this Court to the list of members of the governing body of the society of respondent-CRRID to show that well-respected members of the society were on the board of the governing body. Furthermore, it was contended that the appellant-ICSSR had not taken any step against its own member/representative who was supposed to be present in the meetings where purported irregularities were committed. Attention of this Court was also drawn to the fact that even though the salaries of the employees were stopped from July, 2021 onwards, the appellant-ICSSR showed the research conducted by the research scholars of CRRID in its annual report and also showed that funds had been released on account of salary of the employees of CRRID for the

financial year 2021. Therefore, he submitted that the appellant could not wash its hands off from disbursing the grant which was shown in its annual report for the year 2020-21 payable to the employees of CRRID and due to internal squabbling between the two institutes, the employees should not be made to suffer.

20. This Court has heard the arguments at length, made on behalf of the parties and perused the material on record, and finds that the judgment and order passed by the Hon'ble Single Judge is a detailed and well-reasoned one. Given the deep and pervasive control of appellant-ICSSR over respondent-CRRID in sanctioning of posts, the appointment of the employees, pay scales of employees, implementation of recommendations of the pay commissions, it could not be said that the appellant had no liability to pay the salaries of the writ petitioners as they were not employees of the appellant-ICSSR and therefore, not entitled to seek their remedy for payment of their salary against ICSSR by filing a writ petition.

21. A beneficial reference may be made to a recent judgment passed by the Hon'ble Apex Court in Civil Appeal Nos. 369-378 of 2023 arising out of SLP (C) Nos.23905-23914 of 2018 "***Pushan Majumdar etc. v. Union of India and others***" 2023 LiveLaw (SC) 115, wherein it was held that even though the Indian Association for Cultivation of Sciences (for short "IACS") was an autonomous body established for the purpose of advancing scientific research in the country since the said body was under the administrative control of Ministry of Science and Technology. Moreover, it was receiving 99% funds from Government of India, its governing body was approved by the Government of India and the Institute

did not have the power to create any post or modify the service conditions of the employees without prior approval of the Government of India, thus the State had deep and pervasive control on it and a writ petition under Article 226 of Constitution of India would be maintainable against the said autonomous body.

22. Reference was made in ***Pushan Majumdar*** *(supra)* to the Apex Court judgment in "***Pradeep Kumar Biswas v. Indian Institute of Chemical Biology" (2002) 5 SCC 111***, to hold that the tests identified for determining whether a particular body is "*the State*" within the meaning of Article 12 of Constitution of India would have to be satisfied. The relevant extract is reproduced herein below:

> *"40. The picture that ultimately emerges is that the tests formulated in Ajay Hasia [Ajay Hasia v. Khalid Mujib Sehravardi, (1981) 1 SCC 722] are not a rigid set of principles so that if a body falls within any one of them it must, ex hypothesi, be considered to be a State within the meaning of Article 12. The question in each case would be—whether in the light of the cumulative facts as established, the body is financially, functionally and administratively dominated by or under the control of the Government. Such control must be particular to the body in question and must be pervasive. If this is found then the body is a State within Article 12. On the other hand, when the control is merely regulatory whether under statute or otherwise, it would not serve to make the body a State."* ***(emphasis supplied)***

23. Taking the detailed facts into account, this Court has no hesitation to hold that the appellant-ICSSR has a deep and pervasive control on the respondent-CRRID and therefore, amenable to the writ petition filed by the employees.

24. This Court is of the firm opinion that the clauses of the grant-in-aid scheme have to be strictly construed vis-à-vis the parties to the scheme. The clauses No.***6, 16 and 17*** set out hereinabove do not in any way

provide a license to the appellant-ICSSR, to all of a sudden stop the grant-in-aid for making necessary payments of the salaries of the CRRID. Upon perusal of the list of members of the governing body of CRRID, it appears that the same was constituted by the respectable members of the society including a nominee of ICSSR even though appellant-ICSSR could have nominated two representatives on the board of the governing body.

25. From the details of the meetings provided in the chart (Annexure R-4/30), it is evident that there was no dissent from ICSSR's representative in the meeting regarding the appointment and promotion of the ten employees whose names found mention in the Preliminary Enquiry Committee's report. Therefore, it can be safely presumed that appellant-ICSSR did not have any objection as such to the appointment and promotion of the said ten employees who have been working for long.

26. On an explanation being called for from Professor Satish Deshpande (who was the representative of ICSSR at the relevant point in time) by Richa Sharma, now Deputy Director of ICSSR with regard to various meetings where purported irregularities took place and the nominee member had been absent, he had simply replied that he was on a long leave from February 01, 2010 till January 2012. He had received an e-mail dated January 27, 2010 giving due intimation that a meeting had been scheduled for January 28, 2010 regarding the selection process of some employees of CRRID but he was absent in the said meeting and must have communicated orally via telephone, regarding his inability to attend the meeting. Therefore, the representative concerned of ICSSR was not able to produce any scrap of document to prove that due permission was given for his leave

of absence from attending the said meeting and neither was any action proposed to be taken by the appellant-ICSSR against its own employee.

27. It is also noted that the High Powered Committee vide its report dated March 16, 2023, after analyzing the irregularities in detail held that CRRID was being used like a private shop of its founder Director- one Rashpal Malhotra, who was solely in command of the Institute and its governing body and had violated the grant-in-aid rules of the appellant-ICSSR. Had he been alive, the Committee would have recommended the recovery of entire amount from him. However, it opined that even though the respondent-CRRID should be penalized for the irregularities but some money should be released for the payment of salary of the employees so that the students could continue with their studies. The Committee also suggested that as a condition precedent to receive all the grants in future, CRRID should strictly comply with the conditions of the grant-in-aid scheme.

28. The preliminary enquiry report dated May 29, 2017 was communicated to the Director of respondent-CRRID on October 04, 2017 by the appellant-ICSSR and thereafter no action was taken till 2021. The lackadaisical manner in which ICSSR had sought to proceed against CRRID raises a doubt with regard to the seriousness on the part of ICSSR to take any action against CRRID.

29. It is not lost upon the mind of this Court that after the Report of the initial Fact-Finding Committee dated 29th May, 2017 was issued, the appellant-ICSSR chose to sleep over the same for five years and therefore, it could safely be presumed that ICSSR had acquiesced to the irregularities committed by CRRID and waived off its right to take any legal action

against it. Most of the irregularities mentioned in the report of the Fact-Finding Committee are stale. Moreover, various stale irregularities form a part of the report of the High Powered Committee.

30. Out of 10 employees against whom CRRID had issued recovery notices for granting of wrong ACP amount or higher scale of pay due to promotion etc., only 02 of them were in service as on February 08, 2023 when the High Powered Committee had considered the irregularities/ illegalities committed by CRRID in 2023. The other 08 employees had either retired or resigned from service, of whom 03 had retired/resigned long ago. The names of such employees along with their status are stated hereinafter:

"*Still in Service:*

1. *MR. MEENAL KUMAR BARUA; PA to Director*
2. *MR. SUKHVINDER SINGH, Assistant Librarian*

Retired recently:

1. *DR. SUKHVINDER SINGH (Retired 31.12.2022)*
2. *MR. MADAN MOHAN SINGH (Retired 31.05.2022)*
3. *RAJAN THOMAS PS to Director (Resigned 31.10.2021)*
4. *SANDIPAN SHARMA Accounts Officer (Retired on 30.06.2021)*
5. *MS.MEENA JATANA (Retired 30.09.2020)*

Retired or resigned long ago:

1. *MS. PRATIPAL KAUR REAL (Retired 31.03.2007)*
2. *MR. RAJESH KUMAR SHARMA (Resigned 20.07.2012)*
3. *MS. SUMAN KHOSLA (Retired on 31.03.2018)"*

31. The High Power Committee also noted that the employees who have retired/resigned, have not responded to the recovery notices issued by CRRID. However, the employees who are still in service have accepted the fact that due recovery may be made of the excess payment from the arrears payable to them upon implementation of recommendations of the 7th Pay

Commission. Due to the irregular appointments to promotions of some of the employees (many of whom have either retired or resigned), the interest of majority of the employees who have honestly served the respondent-CRRID, cannot be jeopardized by the appellant-ICSSR.

32. Consequently, it is held that for additional reasons over and above the ones given by the Hon'ble Single Judge, the appeals are liable to be dismissed. Connected applications, if any, are also disposed of.

33. Resultantly, since the appellant-ICSSR has already deposited its 45% share by way of demand drafts dated March 20, 2024 in favour of the private respondents which was noticed in the table mentioned in order dated March 21, 2024 in **LPA-310-2024**, the said drafts, thus, would necessarily have to be revalidated by the appellant. The table enumerating the drafts is reproduced herein below:

Sr. No.	Demand Draft No.	Date	Amount	Name
1.	884139	20.03.2024	10,97,470/-	Dr. Neetu Gaur
2.	884140	20.03.2024	14,23,171/-	Dr. Manoj Kumar Teotia
3.	884141	20.03.2024	12,37,188/-	Meenal Kumar Barua
4.	884142	20.03.2024	9,87,183/-	Dr. Gurinder Kaur
5.	884143	20.03.2024	9,87,183/-	Dr. Vikash Kumar
6.	884144	20.03.2024	21,41,220/-	Dr. Bindu Duggal
7.	884145	20.03.2024	9,87,183/-	Dr. Jatinder Singh
8.	884146	20.03.2024	6,48,824/-	Jagtar Singh
9.	884147	20.03.2024	22,17,260/-	Dr. Sukhvinder Singh
10.	884148	20.03.2024	8,40,040/-	Hem Singh
11.	884149	20.03.2024	11,34,270/-	Sukhvinder Singh

12.	884150	20.03.2024	11,67,801/-	Anita Gupta
13.	884151	20.03.2024	6,48,824/-	Bindu Sharma
14.	884152	20.03.2024	7,90,801/-	Rajesh Kumar Bhola
15.	884153	20.03.2024	6,92,136/-	Suresh Kumar
16.	884154	20.03.2024	21,91,569/-	Sunil Bansal
17.	884155	20.03.2024	7,40,186/-	Sarita Devi w/o late Shri Ashok

34. As such, the Registrar (Judicial) will hand over the drafts to the counsel for the appellant for revalidation and the same will be re-deposited with the Registrar within one week and thereafter, disbursed to the said persons. The Registrar (Judicial) shall also issue separate demand drafts in favour of said persons from the amount of Rs.1,99,32,309/- received from State of Punjab, by way of deposit in compliance of order dated February 29, 2024 and disburse the same to the private respondents in the same ratio as per the table reproduced above.

35. Regarding **LPA No.1043 of 2024**, the appellant shall disburse its 45% share directly to the private respondents within a period of four weeks and similarly the State of Punjab shall also disburse its 45% share to the private respondents in the same proportion, within the same period to make good the deficiency.

(G. S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

MAY 16, 2024
Shalini

Whether speaking/reasoned : Yes
Whether reportable : No