



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

205

RSA-2760-2001 (O&M)
Date of decision: 11.07.2025

Sushil Kumar Jain

...Appellant

Versus

Kurukshetra University Kurukshetra

...Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Dinesh Kumar, Advocate for the appellant.

Mr. A.S. Virk, Advocate for the respondent.

SUDEEPTI SHARMA, J. (ORAL)

1. Challenge in the present appeal is to judgment and decree dated 19.10.2000 passed by Ld. Additional District Judge, Kurukshetra whereby the appeal filed by the respondent against the judgment and decree dated 28.02.1997 passed by Civil Judge (Junior Division), Kurukshetra, has been allowed.

2. Brief facts of the case as per pleadings of the civil suit are that appellant was working on the post of Assistant since 01.04.1983. He was charge-sheeted on 15.01.1986. He filed reply to the same on 24.01.1986. In the year 1984, one Sh. Balwant Rai Sharma committed a mistake in total marks of student of M.A. (Psychology). FIR was also got registered against Balwant Rai Sharma by the respondent but he was acquitted in the trial. No FIR was registered against the appellant. No show cause notice was issued to the appellant before issuing charge-sheet and awarding the punishment vide order dated 16.04.1987. Copy of inquiry report was never supplied to the appellant despite written request dated 30.04.1987 and 13.06.1987. He also approached the authorities concerned for the same. Since he was awarded punishment of



stoppage of four increments with cumulative effect and warning with entry in service record, therefore, he filed civil suit for declaration which was partly decreed vide judgment and decree dated 28.02.1997 and the impugned order dated 16.04.1987 (Mark-A) and appellate order dated 24.09.1992 Ex.P-15 were set aside by holding that the same were passed without following the principles of natural justice. Further, respondent was granted liberty to hold fresh inquiry after following the principles of natural justice. The respondent filed appeal against the judgment and decree dated 28.02.1997 which was allowed by Ld. Additional District Judge, Kurukshetra vide its judgment and decree dated 19.10.2000. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that Ld. First Appellate Court has reversed the well reasoned judgment and decree dated 28.02.1997 passed by Ld. Civil Judge (Junior Division), Kurukshetra.

4. Per contra, learned counsel for the respondent argues on the lines of the judgment and decree dated 19.10.2000 and submits that the appeal filed by the respondent has rightly been allowed by Ld. Additional District Judge, Kurukshetra.

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. A perusal of the record shows that the appellant was never supplied the copy of inquiry report. No show cause notice was issued to him and principles of natural justice were not followed before awarding punishment of stoppage of four increments with cumulative effect and warning with entry in service record. Further, no FIR was registered against the appellant and in the FIR registered against the main accused, he was acquitted in the trial.

7. A perusal of the record also shows that Ld. Additional District



Judge, Kurukshetra held that the civil suit which was filed on 24.03.1993 was barred by limitation. The only ground taken by Ld. Additional District Judge, Kurukshetra for allowing the appeal filed by the respondent is that the civil suit filed by the appellant was barred by limitation. This ground for allowing the appeal is not sustainable in the eyes of law. Since, the appeal filed by the appellant before the Vice-Chancellor was dismissed on 24.09.1992 and the civil suit was filed in the year 1995 which is within limitation. The principles of natural justice were not followed before awarding punishment of stoppage of four increments with cumulative effect and warning with entry in service record, therefore, this Court finds that the Ld. Additional District Judge, Kurukshetra without going into merits of the case and appreciating the evidence on record, allowed the appeal filed by the respondent only on the ground that the civil suit filed by the appellant was barred by limitation which was well within limitation and set aside the well reasoned judgment and decree passed by Ld. Civil Judge (Junior Division), Kurukshetra.

8. In view of the above, the present appeal is allowed. The judgment and decree dated 19.10.2000 passed by Ld. Additional District Judge, Kurukshetra is hereby set aside. The judgment and decree dated 28.02.1997 passed by Ld. Civil Judge (Junior Division), is upheld.

9. The appellant retired from service on 31.03.2012, the matter pertains to the year 1995 and the present regular second appeal is of the year 2001. Ld. Civil Judge (Junior Division), Kurukshetra vide its judgment and decree dated 28.02.1997 gave liberty to the respondent to hold fresh inquiry after following the principles of natural justice and in accordance with law which was never held by the respondent and the appeal filed by the respondent was allowed only on the ground that civil suit filed by the appellant was barred

by limitation. Therefore, counsel for the respondent was directed to calculate the amount which is to be paid by the respondent in view of the judgment and decree dated 28.02.1997. Learned counsel for the respondent has brought the communication bearing No.EN-6/25/1767 dated 25.04.2025 issued from the office of Assistant Registrar, Kurukshetra University, Kurukshetra. The calculation is reproduced as under:-

<i>Total Difference of Salary w.e.f. 01.04.1987 to 31.03.2012</i>	
<i>01.04.1987 to 31.12.1995</i>	<i>25,089</i>
<i>01.01.1996 to 31.12.2005</i>	<i>54,793</i>
<i>01.01.2006 to 31.12.2008</i>	<i>57,453</i>
<i>01.01.2009 to 31.03.2012</i>	<i>53,379</i>
<i>GRAND TOTAL</i>	<i>1,90,714</i>

10. The same is shown to the learned counsel for the appellant which is not disputed.
11. This Court deems it appropriate and justice demands that the appellant should not be forced to file the application for execution to receive the above referred to agreed amount by both the parties. Therefore, respondents are directed to deposit the amount of **Rs.1,90,714/-** in the account of the appellant within a period of **three months** from the date of receipt of copy of this judgment.
12. The appellant is directed to furnish his bank detail to the respondent/Kurukshetra University, Kurukshetra.
13. Pending application(s), if any, stand disposed of.

11.07.2025
Yogesh

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No