



IN THE HIGH COURT OF PUNJAB HARYANA AT CHANDIGARH

Sr. No.479

(1)

LPA-1067-2015(O&M)

Dr. Neeraj Kumar

.....Appellant

Versus

National Institute of Pharmaceutical Education & Research (NIPER) and
others

.....Respondents

(2)

LPA-1981-2016(O&M)

Dr. Neeraj Kumar

.....Appellant

Versus

National Institute of Pharmaceutical Education & Research (NIPER) and
others

.....Respondents

Date of Decision: 06.11.2025

CORAM: **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
 HON'BLE MR. JUSTICE ROHIT KAPOOR

Present Appellant-Dr. Neeraj Kumar in person.

Mr. Alankrit Bhardwaj, Advocate for respondent-National
Institute of Pharmaceutical Education & Research (NIPER).

Mr. D.S. Patwalia, Senior Advocate assisted by
Ms. Shehar Navjeet Singh, Advocate as *Amicus Curiae*.

ASHWANI KUMAR MISHRA, J. (Oral)

1. These abovesaid two appeals have been heard at length by us
on different occasions from time to time and on our request Mr. D.S.
Patwalia, Senior Advocate has assisted this Court as *Amicus Curiae*. This
was necessary as the appellant-Dr. Neeraj Kumar was appearing in person
and was not familiar with procedures and laws. Accordingly, the appeals
are heard with the assistance of the *Amicus Curiae*.

2. When the matter was heard on 19.09.2025, this Court passed
the following order:-

*“This matter has been heard at some length. Shri D. S. Patwalia,
learned Senior Counsel has appeared as Amicus Curiae on the
request of the Court and has placed facts at length. Prima facie, we*



are of the view that impugned action of the NIPER has caused injustice to the appellant. One of the primary reason for our coming to this conclusion is that out of five charges, which formed the basis of impugned action of compulsory retirement as a means of punishment, the only substantial charge against him is of harassing the Scheduled Caste (SC) student. It has come on record that the concerned SC student has, in fact, stated that he has no grievance against the appellant and he has also completed his PhD (Doctor of Philosophy) under the appellant. It has also come on record that the SC student has in fact filed a writ petition against the Head of Department (HOD) making allegations against him. It is the same HOD who was the complainant in the other four charges levelled against the appellant.

The Grievance Redressal Mechanism has already found that the charges against the appellant did not merit any action. Respondent(s)-NIPER, however, has taken a stand that the forum of Grievance Redressal itself was not competent to go into this issue.

We are not much impressed by such stand of the respondent(s)- NIPER. It is at this stage that we deem it appropriate to adjourn the matter as learned counsel for the respondent-NIPER, on instructions from the Director, states that NIPER is willing to reconsider the matter in its next Board meeting. He also informed that a new Director has since joined. The Director also happens to be the Chairman of BOD. We see no reason as to why the Director/Chairman cannot examine the grievance of the appellant in a just and fair manner without being influenced by the impugned action. We also provide that the then HOD who is now a member of the Board shall recuse himself from the proceedings of the Board when this matter is taken up. This liberty is being granted to the NIPER as the Court would not like to interfere in the affairs of a premier educational institution at the first instance and would give an opportunity to the Institution to re-visit the matter, at its own level.

Adjourned to 28.10.2025.

Counsel for the respondent(s)-NIPER shall produce the decision taken by the Board in a sealed cover.

A copy of this order be placed on the file of connected case.”



3. Thereafter, when we heard the matter on 28.10.2025, this Court passed the following order:-

After hearing counsel for the parties, the matter was adjourned for today in order to enable the employer to re-visit the matter, at its own level, in view of the observations made by this Court.

Today, when the matter is taken up, learned counsel for the respondent-employer points out that the matter was discussed in the last meeting of the Board of Directors but no final decision could be taken. Accordingly, he seeks adjournment on the ground that some more time is likely to be taken for the purpose.

The prayer made by Shri Bhardwaj, on behalf of the employer, is strongly opposed by the appellant, who appears in person.

Mr. Patwalia, who is appearing as Amicus Curiae on the request of the Court, is also of the view that the issues highlighted ought to be addressed by the employer. He also submits that considerable time has already been allowed to the employer for such purpose.

Considering the above, we are of the view that the respondent employer shall re-visit the matter, in terms of earlier order, in the next Board meeting and place the decision before the Court by way of an affidavit of the Director concerned. As we are informed that 30th October, 2025 is the next date of meeting of the Board of Directors, we direct that this matter be listed on 06.11.2025.

Photocopy of this order be placed on the connected file.

4. Today, when the matter is taken up, Mr. Alankrit Bhardwaj, learned counsel appeared for respondent-NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION & RESEARCH (hereinafter referred to as 'NIPER'), has placed before the Court minutes of meeting dated 30.10.2024 of NIPER, as per which, the Board has come to the conclusion that the decisions previously taken in the matter do not require any interference. In that view of the matter, we are left with no option but to



proceed to examine the matter on merits.

5. Out of the above-said two appeals, LPA No.1067 of 2015, arises out of an order passed by the Ld. Single Judge dated 22.04.2015 in CWP No.25971 of 2013, whereby the learned Single Judge has dismissed the said writ petition of the appellant by observing that it is not possible to hold that the penalty awarded to appellant is grossly disproportionate to the charges, so as to shock the conscience of the Court, thereby warranting interference in exercise of power of judicial review.

6. In CWP No.25971 of 2013, the petitioner had challenged the order dated 14.11.2013, annexed as Annexure P-24 with that writ petition, passed by the Appellate Authority whereby the petitioner has been ordered to be compulsorily retired while partly allowing the appeal and substituting the punishment of removal from service awarded by the Director, National Institute of Pharmaceutical Education & Research(NIPER), Sector 67, SAS Nagar, Mohali, Punjab. The order passed by the Director, NIPER imposing the penalty of removal from service as well as the charge-sheet dated 16.11.2011, issued to the appellant, were also impugned in this writ. The enquiry report dated 28.01.2013, on the basis of which disciplinary action has been taken against the appellant, was also a subject matter of challenge in the writ.

7. So far as the other appeal i.e. LPA-1981-2016 is concerned, the order under challenge herein is dated 26.08.2016, passed by the learned Single Judge in CWP No.26368 of 2015. The prayer in the said writ petition was to quash the order dated 08/13.09.2011, which is a communication to the appellant that his case for renewal of contract in Career Advancement Scheme shall be considered by a Special Committee and till such time, his



certificate issued to him on 14.08.2015, on the ground that the same is not consistent with the resolution passed by the Board of Governors on 02.08.2011. The said writ petition has been disposed of by stating that the issues raised therein do not survive for consideration, as the appellant no longer an employee of the respondents. The writ court also observed that if the petitioner succeeds in the earlier writ petition, he would always be at liberty to approach this Court for necessary relief. Reserving this liberty and also reserving liberty to the respondents to urge all the contentions, the writ petition has been disposed of.

8. Since both the matters are in respect of the same appellant and arise out of the same cause of action, therefore, both these two appeals have been clubbed together and are being disposed of by this common judgment.

9. In order to deal with the controversy involved in the present matter, it would be appropriate to refer to some of the background facts.

10. The appellant-Dr. Neeraj Kumar came to be appointed as Assistant Professor on ad-hoc basis on 14.07.2003 in the respondent-NIPER and his services were subsequently regularized for a period of five years on contract basis w.e.f. 29.07.2003 vide order dated 22.07.2004. The period of five years was satisfactorily completed by the appellant on 28.07.2008. The claim of the appellant was that he became entitled to higher grade, but as the Selection Committee was not formed, therefore, the appellant alongwith other got extension as Assistant Professor for a period of six months or till 31.01.2010. The Selection Committee was ultimately constituted on 29.01.2009. The appellant was called for the interview and he was examined. The recommendation of the Selection Committee however was not immediately made known. It transpires that the appellant raised a



ground that such Selection Committee was not as per Clause 3.6 of the NIPER Statutes. As would be apparent from the facts noticed hereinafter, this objection to the Constitution of the Selection Committee has ultimately led to series of actions culminating in the impugned action.

11. The respondent-NIPER has been established under the National Institute of Pharmaceutical Education & Research Act, 1998 (hereinafter referred to as “the Act”). A notification has been issued by the Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers Govt. of India on 30.10.2003, notifying the statutes of NIPER. Clause 3.6 of the NIPER Statutes refers to the Selection Committee. The quorum has been specified as 50% of the total strength of the members. In addition, the clause provides that Selection Committee for appointment to the posts specified shall be prescribed in the table appended the NIPER Statutes. The Selection Committee for Assistant/Associate Professor consists as under:-

“3.6 Selection Committee

Quorum:50% of the total strength of the members in addition to the chairman.

There shall be selection committees for making recommendations for the appointment to the post of the Professors, Associate Professors, Assistant Professors, Registrar, Principal Library and Information Officer, Principal Scientific Officer and other posts. The Selection Committee for appointment to the posts specified in column 1 of Table 1 below shall consist of the persons specified in the corresponding entry in column 2.

TABLE	
(1)	(2)
Professor/Associate Professor/Assistant Professor	-Chairman: An eminent Scientist/Academician/Professional/Technologist nominated by the Board. -One academician scientist of repute nominated by the Board. At least two external experts in the respective specialization to be nominated by the Director. -Director, Ex-officio.”



12. The objection of the petitioner in the representation was that in addition to the members of the Selection Committee specified in Clause 3.6 of NIPER Statutes, two other persons had also participated in the Selection Committee, namely, Professor Saranjeet Singh, Dean and Professor Arvind Kumar Bansal, Head of the Department. The representation submitted by the petitioner came to be rejected by a Committee of NIPER vide order dated 21.12.2009, wherein it was admitted that persons in addition to Clause 3.6 had participated in the Selection Committee. The Committee was of the view that when the Selection Committee met it, also had the members of Contract Review Committee and, therefore, the Dean and Head of Department also participated. The Committee which rejected the objection of the appellant consisted of officers other than the members of Selection Committee. Importantly, it transpires that the Selection Committee had in fact recommended the renewal of term of the appellant by a period of five years. The Selection Committee had also recommended promotion of the appellant to the Associate Professor from the post of Assistant Professor. The recommendation of the Selection Committee came to be considered by the Board of Governors in its 54th meeting. The recommendation of the Selection Committee was in respect of the 12 faculty members including the appellant. The Board of Governors in its meeting dated 02.08.2011 decided to implement the recommendation of the Selection Committee in respect of 10 out of those 12 members excluding the appellant and one Dr.Parikshit Bansal. According to the appellant this was on account of malice on part of the then Dean and the Head of Department, whose inclusion in the Selection Committee had been objected to by the



appellant with which they felt annoyed.

13. The respondent-Institute intimated the appellant that the recommendation of the Selection Committee with regard to renewal of contractual appointment and promotion under Career Advancement Scheme will be reviewed by a Special Committee and till such time his services will continue. In this communication of the respondent dated 8/13/09/2011, the appellant was only informed that his services will continue but no reference was made to the recommendation of the Selection Committee which earlier met on 29.10.2009 and had recommended the promotion and renewal of appellant.

14. The appellant challenged the decision of the Board of Governors dated 02.08.2011 by filing writ petition No.19277 of 2011, which ultimately came to be dismissed as having become infructuous. It further transpires that on 10.11.2011, a complaint was made by the appellant alleging violation of the NIPER Statutes in appointing the Registrar of NIPER. What followed thereafter was that the appellant filed yet another writ petition i.e. CWP No.18789 of 2011, challenging the re-constitution of the Senate on the ground that NIPER Statute was not followed.

15. The writ petition filed by the appellant questioning the constitution of Senate came to be allowed by the learned Single Judge of this Court on 07.12.2012, after referring to the provisions contained in the Act and the Statutes. Learned Single Judge held that the constitution of Senate of NIPER was not as per the provisions of the Act and the same was required to be re-notified after making necessary corrections. A

further direction was issued to the respondent-Institution to follow the



directions as a rule while dealing with their officials.

16. The appointment of Registrar of NIPER challenged in CWP No.4658 of 2012, filed by Dr. Parikshit Bansal and the appellant, came to be quashed by the learned Single Judge vide order dated 30.11.2012.

17. Aggrieved by the orders of the learned Single Judge setting aside the constitution of Senate and the appointment of the Registrar, the respondent-NIPER filed LPAs, including an LPA filed by the Registrar. LPA-682-2013 arising out of the judgment of the learned Single Judge, setting aside the constitution of the Senate came to be disposed of in view of the stand taken by the respondent-NIPER that Board of Governors had decided to implement the judgment of the learned Single Judge. The order passed by the Division Bench in LPA-682 of 2013, dated 29.05.2013, is reproduced hereunder:-

“1. Learned counsel for the appellants states that the issue raised in the letters patent appeal has been considered by the Board of Governors and principally, it has been decided to implement the judgment of the learned Single Judge.

2. In view thereof, he states that the appeal has been rendered infructuous and may be disposed of as such. However, it has been stated that if may be kept open to the appellants to file an application for revival of the appeal in case the instructions so received by him are not correct.

3. Ordered accordingly.”

18. The LPA filed by the respondent-NIPER, challenging the setting aside of the appointment of the Registrar was dismissed as withdrawn, while the appeal filed by the Registrar was allowed vide judgment and order dated 03.05.2023.

19. We are further informed that on the basis of the complaints made by Dr. Parikshit Bansal and also the appellant with regard to



was ordered in the affairs of the Institution vide first information report registered by CBI on 14.01.2016 at Police Station Chandigarh bearing No.RCC-HG/2016/A/0005. The complainant in this FIR was Dr. Parikshit Bansal. While the investigation was going on, the services of Registrar were regularized on 12.04.2017 on account of the interim protection granted in the LPA allowing the Registrar to continue.

20. Reference to the above facts is necessitated in order to appreciate the appellant's contention that impugned action against him was actuated by malice apparent on face of record and only because lawful grievances were raised by him against the management by moving representations and filing of writ petitions that the impugned action was taken against him.

21. The initiation of proceedings against the appellant emanates from the complaints made by Dr. A.K. Bansal, Professor and Head of the Department, Pharmaceuticals NIPER dated 11.02.2009, 29.02.2009, 16.07.2010, 06.08.2010 and 24.11.2010. What is worth mentioning is that all these complaints have come into effect after the meeting of the Selection Committee was held on 29.10.2009 and recommendation was made for extending the term of appellant and also his promotion to the post of associate Professor. Till such time, the meeting of the Selection Committee was held, there was not even a single complaint against the appellant by anyone, including Dr. A.K. Bansal. It is in this context that the representation made by the appellant, regarding constitution of the Selection Committee on the ground that such Committee was not in terms of Clause 3.6 of the NIPER Statutes assumes significance.



22. The complaints made by Dr. A.K. Bansal, Head of the Department of Pharmaceuticals, ultimately led to initiation of disciplinary action against the appellant in which the appellant was charged with following five Charges/Articles:-

“Charge-1

(Article 1) That Dr. Neeraj Kumar while working as Assistant Professor in National Institute of Pharmaceutical Education & Research (NIPER), Sector-67, S.A.S. Nagar (Mohali), Punjab-160062 used unacceptable and derogatory words against seniors thus indulging in insubordination and misbehavior thereby contravening the provisions of Rule 3(1) (iii) and 3 A(a) of the CCS(Conduct) Rules, 1964 as made applicable to NIPER.

Charge-2

(Article 2) That Dr. Neeraj Kumar while working as Assistant Professor in National Institute of Pharmaceutical Education & Research (NIPER), Sector-67, S.A.S. Nagar (Mohali), Punjab-160062 refused to allow benefit of departmental course PE-620 and PE-820 to Pharmaceuticals Ph.D. students thus violating Rule 3(1) (iii) of the CCS(Conduct) Rules, 1964 as made applicable to NIPER.

Charge-3

(Article 3) That Dr. Neeraj Kumar while working as Assistant Professor in National Institute of Pharmaceutical Education & Research (NIPER), Sector-67, S.A.S. Nagar (Mohali), Punjab-160062 was responsible for harassment of one Scheduled Caste student Mr. Prasad Pawar, thus violating Rule 3(1) (ii) and 3(1) (iii) of the CCS(Conduct) Rules, 1964 as made applicable to NIPER.

Charge-4

(Article 4) That Dr. Neeraj Kumar while working as Assistant Professor in National Institute of Pharmaceutical Education & Research (NIPER), Sector-67, S.A.S. Nagar (Mohali), Punjab-160062 threatened Prof. A.K.Bansal, Head, Department of Pharmaceuticals of dire consequences thus contravening Rule 3(1) (ii) and 3(1) (iii) of CCS(Conduct) Rules, 1964 as made applicable to NIPER.

**Charge-5**

(Article 5) That Dr. Neeraj Kumar while working as Assistant Professor in National Institute of Pharmaceutical Education & Research (NIPER), Sector-67, S.A.S. Nagar (Mohali), resorted to unacceptable behavior, insubordination, vitiating the atmosphere of the department, disrupting academic activities and levelling false and baseless allegations against seniors thus contravening Rule 3(1) (ii) and 3(1) (iii) of CCS(Conduct) Rules, 1964 as made applicable to NIPER.19.”

23. The inquiry against the appellant has been conducted by one Shri B.L. Jangira, wherein except for charge no.4, all other charges were found proved against the appellant. The inquiry report dated 28.01.2013 is on record as Annexure P-17.

24. So far as the first article of charge against the appellant of indulging in insubordination and misbehavior thereby contravening the provision of the CCS (Conduct) Rule, 1964 is concerned, the basis of such charge is the complaint made by Dr. A.K. Bansal. The charge of insubordination, referred to above, was based upon an e-mail sent by the appellant dated 28.06.2011 wherein the appellant allegedly used unacceptable and derogatory words against the senior officers. The e-mail sent by the appellant dated 28.06.2011 is on record wherein the appellant had raised various grievances against the respondent-NIPER and contained following expression:-

“It is very shameful that so-called top officers.....”

25. The entire basis for the first charge against the appellant is the contents of the aforesaid e-mail. Apparently, the appellant had raised objection to removal of one Dr. Nilanjan Roy from the post of Associate Professor and since the action of the respondent-NIPER was not as per



respondent-NIPER was shameful. It is this charge which constitutes one of the basis for taking the action of removal against the appellant.

26. So far the second charge is concerned, the allegation was that the appellant had refused to allow the benefit of departmental course PE-620 and PE-820 to Pharmaceutics, Phd. Students. In respect of this charge, the appellant had contended that none of the Phd. Students had ever raised any such grievance, nor any Phd. Students had come forward to support such accusation during the course of departmental enquiry. Notwithstanding the same, the charge was treated to have been proved.

27. Before referring to charge no.3, we deem it appropriate to take note of Charge No.5, which again is with regard to unacceptable behavior, insubordination and vitiating the atmosphere of the department, resulting in destruction of academic ethics. The basis of this charge is also the complaint of the Head of Department, Professor A.K. Bansal. What was relied upon by respondent-NIPER in support of this charge was yet another e-mail sent by the appellant wherein he had raised grievance against the institute.

28. Article No.3 of the statement of charge relates to allegation of harassment of one scheduled caste student, namely, Mr. Prasad Pawar. In respect of this charge, it is worth noticing that the student Mr. Prasad Pawar never made any complaint against the appellant and he had submitted an affidavit on 06.02.2012, clearly denying the substance of charge levelled against the appellant with regard to harassment meted out to him. As a matter of fact, Mr. Prasad Pawar had submitted his Ph.D thesis under the supervision of the appellant and the same was ultimately accepted also. Mr. Prasad Pawar had also filed a writ petition i.e. CWP



No.25363 of 2014 making serious accusations against Dr. A.K. Bansal, the then Head of the Department.

29. In the writ petition, Mr. Prasad Pawar had alleged that on account of harassment meted out to him by Dr. A.K. Bansal, he could not submit his Ph.D thesis and this Court extended the time for submission of the thesis. It is thereafter, that the thesis of Mr. Prasad Pawar was submitted under the supervision of the appellant.

30. Notwithstanding the fact that the complainant himself had submitted an affidavit which clearly exonerating the appellant of the charges levelled against him, with regard to harassment meted out to Mr. Prasad Pawar, as well as the fact that his thesis was submitted under the appellant's supervision and the writ petition was actually filed against the complainant Dr. A.K.Bansal, yet in the enquiry proceedings, this charge is found to be proved against the appellant.

31. When the articles of charge are taken in its entirety and the evidence is considered in the light of the peculiar facts of the present case, where the appellant had made various complaints and made representation against the action of Dr. A.K.Bansal, we find that the report of the enquiry officer and the decision of NIPER to impose major punishment upon the appellant was wholly uncalled for and was bereft of any legally sustainable material.

32. Although, Mr. Bhardwaj, learned counsel appearing for the respondent-NIPER has attempted to invite our attention to the enquiry report in order to submit that apart from Professor A.K.Bansal, other faculty members had also deposed in the enquiry against the appellant,

but we are not inclined to give much weightage to such submission of



learned counsel, inasmuch as, in the facts of the case, we find that the complaints against the appellant were essentially lodged by the Dr. A.K.Bansal, soon after the appellant had challenged his action. The facts of the case record shows that many of the actions of the respondent-NIPER, were found to be in teeth of the applicable provisions and the constitution of Senate was also set aside by this Court. The complaints made by the appellant alongwith Dr. Prakshit Bansal also resulted in initiation of CBI probe and led to lodging of an FIR by the CBI.

33. There is enough material on record to show that the appellant had been objecting to the action of the respondent-NIPER, on the ground of it violating the provisions of applicable law. The complaints made by the appellant were found to have substance and many of such actions were also set aside by the Court. This is clearly reflected from the following material:-

(i) Clause 3.6 of the NIPER Statute provided for constitution of the Selection Committee which consisted of 05 members but in fact seven members had participated. It is, therefore, clear that the constitution of the Selection Committee was not in terms of the statutes. No exception, therefore, could have been taken by the respondents to the representation made by the appellant questioning the constitution of the Selection Committee.

(ii) The constitution of the Senate was also challenged by the appellant by filing the writ petition in the year 2011, which ultimately came to be allowed and the respondents had to reconstitute the Senate.

(iii) Till the time, such representation was made by the appellant neither there existed any complaint with regard to his working nor any



accusation was otherwise made against him.

(iv) Charges levelled against the appellant have otherwise been examined by us on merits and we find that the conclusions drawn by the respondents holding the appellant guilty in respect of charges levelled against him are wholly unsustainable for the following reasons:-

(A) *So far as the charge of harassment against Mr. Parsad Pawar is concerned, there was no accusation by him and rather Mr. Parsad Pawar had submitted an affidavit clearly exonerating the appellant of the accusation made against him. Mr. Parsad Pawar had also not appeared in the inquiry to support the charge. We are shocked to note that when the complainant himself had exonerated the appellant of the charge of harassment and had actually accused the Head of Department Dr. A.K. Bansal, how and on what basis, the appellant could have been held guilty of charge No.3.*

(B) *So far as the charge of refusal to allow benefit of departmental course to Ph.D students is concerned, none of the Ph.D students had ever come forward to support such charge during the course of inquiry. Even in its absence, the Inquiry Officer has proceeded to prove the charge.*

(c) *In respect of Article Nos.1 and 5, we have already noticed that the only basis to implicate the appellant was Dr. A.K. Bansal, Head of the Department, whose inclusion in the Selection Committee was objected to by the appellant. Interestingly, the only other person to support the charge of insubordination is Prof. Saranjeet Singh, whose inclusion in the Selection Committee was also objected to by the appellant. Even otherwise, we find that the accusations contained in Article Nos. 1 and 5 relying upon the email sent by the appellant was not serious enough to even warrant imposition of a minor punishment much less any major punishment when otherwise there existed no material to support such charge. It appears that the senior officers of the respondent-NIPER were enraged against the appellant, as he had acted as a whistle-blower and had objected to the actions of the respondent-NIPER in breach of applicable provisions of law.*



34. We are persuaded to take such view as we find that till the time when the appellant raised the objections against the constitution of the Selection Committee, there were no accusations ever made against him. What is unusual to note is that though the Selection Committee had recommended the extension of the appellant and also his promotion, but such recommendation was not accepted by the Board of Governors apparently, as in the intervening period complaints made by the appellant had come to the knowledge of the respondent-NIPER resulting in non-acceptance of the recommendations of Selection Committee.

35. We are further pained to note that even after the order of termination was passed against the appellant by the Director, Rapid Grievance Redressal Committee was constituted to look into the grievance of the employees and ex. employees, where the appellant also raised his grievance. The Rapid Grievance Redressal Committee examined the grievance of the appellant and made the following conclusions and recommendations in its report:-

“Conclusions and recommendations:-

“It is, therefore, suggested that appropriate authority may reconsider the decision to resolve the grievances by implementing the recommendation of the expert committees dated 29.10.2009 i.e. the expert committee recommended to renew his contract and also recommended for promotion to the post of Associate Professor, in order to meet the ends of justice and to boost the confidence of the staff especially the faculty members. Further though the committee mentioned that the charges levelled against Dr. Neeraj Kumar are not strong enough to invoke major penalty clause under disciplinary rules and not have been proved with evidence as the conclusion of the enquiry officer. Thus, a proper justice will be met by implementing the expert committee recommendations and accordingly the decision may be taken by the appropriate authority on these issues.”



36. The recommendation of the Rapid Grievance Redressal Committee has also not been followed by the respondent-NIPER on the ground that the redressal Committee had transgressed its authority. The redressal Committee has also been disbanded. This shows the utter hostility worn by the senior officers of respondent-NIPER against the appellant and all sensible voices have been rudely crushed.

37. When the matter was heard on the previous occasion by us, we found that the charges levelled against the appellant were not sustainable, but as the respondent-NIPER is a premier institute, we extended an opportunity to the institution to make a dispassionate assessment of appellant's claim afresh, so that, no injustice is meted out to him. Repeated opportunities have been extended by this Court, in this regard which have fallen on deaf ears and an adamant approach still prevails on part of the respondent-NIPER. It is in this context that we are called upon to adjudicate the matter on merits.

38. We may, at this stage, note that though serious allegations are made in the writ petition against the Head of the Department and the dean, however they have not been impleaded in their personal capacity, as such, we do not wish to say any further on the conduct of the officer(s). However, we find that malice in law is apparent on record and, therefore, we cannot shut our eyes to the gross injustice meted out to the appellant. The order of termination passed on the basis of the inquiry report by the Director, therefore, cannot be sustained for the reasons recorded herein above. The punishment was, otherwise, modified to compulsory retirement by the appellant authority, which too cannot be sustained for the reasons recorded hereinabove.



39. In the facts and circumstances of the case, we find that none of the charges were even remotely proved against the appellant and, therefore, the punishment of compulsory retirement is also unsustainable. The first LPA succeeds and is accordingly allowed. The judgment of learned Single Judge dated 22.04.2015 is set aside. The writ petition filed by the appellant i.e. CWP No.25971 of 2013 is consequently allowed. The punishment order passed by the appellate authority of compulsory retirement is set aside. The appellant is directed to be reinstated in service forthwith. Since the Statutes initially provided only for contractual appointment, but all other faculty members have been allowed to continue, consequent upon amendment in the Statutes permitting such employees to continue till the age of superannuation, as such, the appellant shall be reinstated forthwith and shall be allowed to continue on the post of Assistant Professor. The claim of the appellant for further promotion to the post of Associate Professor and, thereafter, Professor will also be accorded consideration in terms of the Statutes by treating his working to be continuous and uninterrupted. However, as the appellant has actually not worked, he would not be entitled to any salary for such period.

40. In the facts and circumstances of the present case, we also impose a costs of Rs.10 Lacs upon the respondent-NIPER, to be paid to the appellant, for the unjust treatment meted out to the appellant, which has caused harassment and victimization for the appellant for a period of nearly 10 years. It will be open for NIPER to conduct an enquiry and fix responsibility in the matter and recover the cost from the person responsible. We also record our appreciation for the valuable assistance rendered to the Court by Mr. D.S. Patwalia, Senior Advocate(*Amicus Curiae*) assisted by



41. Pending application(s), if any, is/are also disposed of accordingly.
42. A photocopy of this order be placed on the file of another connected case.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

November 06, 2025
Anjal/Rajesh

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