

BEFORE DR K. K. KATOCH, CHAIRMAN, H.P. PRIVATE EDUCATIONAL
INSTITUTIONS REGULATORY COMMISSION, SHIMLA-171009.

Case No.: 12 of 2019

Date of Institution: 04.04.2019

Date of Decision: 30.04.2019

In the matter of:

Sh. Nitin Mahajan S/o Sh. Davinder Mahajan R/o House No. 117, Gali No. 4
Uttam Garden Colon, Manval Bagh, Pathankot, Punjab

í Applicant

Versus

Arni University, Kathgarh, Indora, District Kangra through its Registrar

í Respondent

ORDERS

This is in pursuance to orders passed by the Honøble High Court of Himachal Pradesh on 05.03.2019 in CWP No. 22/2019 tilted Nitin Mahajan Vs Chairman, Himachal Pradesh Private Educational Institutions Regulatory Commission & other. The Honøble Court has disposed of the said CWP *without expressing any views on merits, with liberty to the petitioner to approach the above stated Commission, who may intervene in the matter and take appropriate action in accordance with law and within the scope of its powers, after hearing the petitioners as well of representative of the respondent University. It was further directed that decision be taken by the Commission within a period of three months from the receipt of the representations.*

Brief facts of the instant case are that the salaries and allowances for 7 months pertaining to different periods have not been paid to the applicant. An updated factual statement of applicant on the matter was recorded on 23.04.2019, when the applicant appeared before the Commission in person in pursuance to his representation dated 17.03.2019 received in the Commission on 30.03.2019, wherein it was found that he has not been paid salaries and allowances of 7 months (March to May 2016, April 2018 and January to March 2019). In the absence of release of regular salary and non- release of the past pending salaries, the applicant's both health and well being of himself and of his family have suffered adversely. The Registrar of the Respondent University also admitted that salaries are

due to be paid but due to financial crunch in the University and change in Management of Arni University disbursement of salaries could not be materialized.

Arriving at a conclusion, it is found that if salaries as per commitment are not paid to the employees, the employees cannot contribute effectively towards the job assignments which they have been entrusted with by the employer and in Educational Institution ultimately the quality of education vis-à-vis students and their parents/guardian will suffer adversely. Regular payment of salaries to the employed faculty and staff is essential and University has failed in discharging this responsibility.

Keeping in view the above facts, University through its Registrar is hereby ordered to:

1. release the pending salary and allowances of 8 months including subsistence allowance for suspension period, if any with 9% interest per annum immediately to the applicant but before 15th May 2019 positively and submit a compliance of the fact to the Commission by 15th May 2019, and
2. to pay a penalty to the Commission, for involving this commission-the HP-PERC in unnecessary litigation for fault of said respondent University for not releasing salaries in time to its employees, of Rs. 30,000/- in the instant case under Rule No. 6 (h) of Himachal Pradesh Private Educational Institutions (Regulatory Commission) Rules, 2011 on or by 15.05.2019 by remitting the same in its relevant account.

A compliance regarding disposal of the representation made by the applicant be submitted to the Honøble High Court for reference and record with reference to the CWP 22 of 2019 under intimation to the Ld. Advocate General, GoHP, Shimla.

Order be uploaded on the website of the Commission.

Copy of order be supplied to the applicant and respondent University.

In default of the compliance of the orders, the case be put up on 16.05.2019 for perusal of the Commission.

Date : APRIL 30, 2019

Sd/-
(Dr. K.K. Katoch)
Chairman