

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

Case No.: 17 of 2019
Instituted on: 13.05.2019
Decided on: 31.08.2019

In the matter of:

Dr. Harish Kumar Banga, Village Kalsera, PO Bass, Tehsil Nangal, Distt.
Ropar (PB).

.....Applicant

Versus

Indus International University VPO Bathu, Tehsil Haroli, Distt. Una (HP)-
174507 through its Registrar.

.....Respondent

Present:

Dr. Ampu Harikrishnan, Registrar appeared in person on behalf of respondent.

ORDERS

This order is in pursuance to the complaint received from Dr. Harish Kumar Banga through email dated 05.10.2018 against Indus International University, Una and registered as Case No. 17 of 2019 regarding release of two months pending salaries for the month of July and August, 2018

On 25.05.2019, Dr. Harish Kumar Banga appeared before the Commission and submitted detailed complaint. The details of pending claim on account of his salary are as under:-

Month	Amount	Security Deduction	Received Salary	Pending Salary
June, 2018	34500	10000	24500	10000
July, 2018	42000	Nil	Nil	42000
August, 2018	42000	Nil	Nil	42000
Total				94000/-

University vide letter No. IIU/REg/2018/1121 dated 05.01.2019 submitted that:-

1. Dr. Harish Kumar Banga served Indus International University as Asstt. Professor in Dept. of Mechanical Engineering from August 08, 2011 to July 15, 2013 and again in the second spell as Asstt. Professor in Dept. of Mechanical Engineering from June 05, 2018 to September 10, 2018
2. Dr. Harish Kumar Banga during his first tenure left the University by breaching the terms of engagement. He left the University on July 15, 2013 without notice to the University. As per terms and conditions of service he was required to give three months notice or pay salary in lieu thereof. He also did not get his "No-Dues" process completed.
3. Dr. Harish Kumar Banga approached the University again for joining the University in first week of May 2018. During both interviews he was apprised of his misconduct by leaving without notice and not paying for leaving early as per terms of his service.
4. Dr. Harish Kumar Banga apologized for his previous conduct and agreed that for the notice period salary is due. He also agreed to not repeat such irresponsible behaviour. Subsequently, the new appointment letter was issued to him on June 05, 2018.
5. However, Dr. Harish Kumar Banga repeated the same conduct as earlier. He stopped attending the University on August 22, 2018 and without returning decided to leave the University vide his email dated September 10, 2018, again without serving the mandatory notice of one month's period. He was directed by the University to get his "No-Dues" clearance done. Again he failed to complete the same.
6. There is a Balance of Rs. 1, 32,978/- due from him for short –notice on two occasions. Hence his salary for month of July and part August (August 1, 2018 to August 21, 2018) has been withheld.

Both the parties heard in details on different dates and based on the arguments, following order is passed:-

Dr. Harish Kuamr Banga served at IIU, Una during the first term from August 08, 2011 to July 15, 2013 and on June 05, 2018 the said Dr. Harish Kumar Banga again joined the University as per offer letter No. Reqr/HR/2018/0335 dated 05.06.2018 on

Rs. 42000/- per month salary and served upto August 21, 2018. On 10.09.2018 the said Dr. Harish Kumar Banga submitted his resignation to the University. In second term, in his *ibid* appointment letter dated 05.06.2018 nothing was mentioned about previous dues, hence no such dues can be recovered for the previous employment from the salary proceeds of 2nd appointment until and unless such a condition had been incorporated in the appointment letter issued to him on 05.06.2018. So the appointment of Dr. Harish Kumar Banga is considered afresh for all purpose and intents. The University has already paid salary of June 2018 to Dr. Harish Kumar Banga and since nothing was mentioned about dues pending for earlier employment in offer letter for second term, respondent University is directed to pay Rs. 28,452/- (Rs. Twenty Eight Thousand Four Hundred and Fifty Two) balance of pending salaries to Dr. Harish Kumar Banga from July 1, 2018 to August 21, 2018 by 30.09.2019 after allowing deduction of Rs. 42,000/- an amount in lieu to notice of one month and submit compliance to this Commission by 10.10.2019. In default of compliance of the order case be put up on 11.10.2019 for perusal of the Commission.

Order be uploaded on the website of the Commission.

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

Announced.

Date: August 31st, 2019.

Sd/-

(Dr. K.K. Katoch)
Chairman