

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

Case No. NC-SM 5-15 of 2019

Date of Order: 31.05.2019

In the matter of following CWPs decided by the Hon'ble High Court of H.P.:

1. Smt. Kiran Devi w/o Sh. Navy Lal R/o Village Bungal, P.O. Bhadhani, Tehsil & District Pathankot Punjab ..... **CWP No.15/2019 decided on 27.02.2019**
2. Sh. Manmohan S/o Sh. Parkash Chand R/o Vilalge Kharian, P.O. Dole, Tehsil Jawali, District Kangra HP 17621 ..... **CWP No.16/2019 decided on 27.02.2019**
3. Smt. Raman Lata Gill W/o Sh. Satish Kumar Gill, R/o Village Rakkar, P.O. Putrial, Tehsil Nadaun, District Hamirpur HP ..... **CWP No.17/2019 decided on 27.02.2019**
4. Sh. Nishant S/o. Sh. Nanak Chand R/o Village & P.O. Kandwal, Tehsil Nurpur, District Kangra HP 176201 ..... **CWP No.18/2019 decided on 27.02.2019**
5. Sh. Sandeep Salaria, S/o Sh. Vijay Singh R/o Village & P.O. Chounta, Tehsil & District Gurdaspur, PB 143533 ..... **CWP No..19/2019 decided on 28.02.2019**
6. Shri Amit Kumar S/o Sh. Ram Nath Sharma, r/o Village & P.O. Bhapoo, Tehsil Indora, District Kangra 176401 ..... **CWP No.20/2019 decided on 28.02.2019**
7. Sh. Surinder Paul S/o Sh. Lal Chand R/o Village Dak, P.O. Dhab, Tehsil Fatehpur, District Kangra 176051 ..... **CWP No.21/2019 decided on 05.03.2019**
8. Sh. Nitin Mahajan S/o Sh. Davinder Mahajan R/o House No. 117, Gali No. 4 Uttam Garden Colon, Manval Bagh, Pathankot, Punjab ..... **CWP No.22/2019 decided on 05.03.2019**
9. Sh. Harjit Singh Kainth S/o Sh. Harbhajan Singh R/o Village & P.O. Chanaur, Tehsil Mukerian, District Hoshiarpur Punjab 144306 **CWP No.23/2019 decided on 05.03.2019**
10. Sh. Onkar Singh S/o Sh. Ram Singh, R/o o Village & P.O. Bajachak Tehsil Dasuya, District Hoshiarpur Punjab 144214 **CWP No.24/2019 decided on 05.03.2019**
11. Sh. Bhupinder Singh S/o Sh. Parshotam Singh R/o Village & P.O. Sango, Tehsil Mukerian, Hoshiarpur, PB 144211 **CWP No..25/2019 decided on 05.03.2019**

... **Applicants**

Versus

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

... **Respondent**

**ORDER**

Hon'ble High Court of Himachal Pradesh on 27.02.2019, 28.02.2019 and 05.03.2019 in CWP No. 15-25 of 2019 tilted above applicants Vs Chairman, Himachal Pradesh Private Educational Institutions Regulatory Commission (henceforth called HP-PERC or Commission) & other, had disposed of the said CWPs *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.*

These representations were registered as Case nos. 5 to 15 of 2019 at HP-PERC.

Brief facts of the instant case are that the salaries and allowances for different periods have not been paid to the applicants by the University. Updated factual statements of applicants on the matter were recorded on 23.04.2019 and 02.05.2019, when the applicants appeared before the Commission in person in pursuance to their representations dated 17.03.2019 received in the Commission on 30.03.2019, wherein it was found that they have not been paid salaries and allowances of different periods as mentioned in Individual order. In the absence of release of regular salary and non- release of the past pending salaries, the applicants' both health and well being of himself and of his family have suffered adversely. The Registrar of the Respondent University also admitted that salaries were 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 was found that if salaries as per commitment had not been paid to the employees, the employees cannot contribute effectively towards the job assignments which they were / are entrusted with by the employer and in Educational Institution ultimately the quality of education vis-à-vis students and their parents/guardian will / have suffer adversely. Regular payment of salaries to the employed faculty and staff was / is essential and University had failed in discharging this responsibility.

Keeping in view the above facts and hearing the applicants, University through its Registrar was ordered to:

1. release the pending salary and allowances including subsistence allowances for suspension period with 9% interest per annum immediately and submit a compliance of the fact to the Commission by 15.05 2019 in 10 cases, and 22.05. 2019 in one case.
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 each 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 applicants was sought from the University by 16.05.2019 in 10 cases and 22.05.2019 in one case was fixed for perusal of the compliance by the Commission on 20.05.2019 and 23.05.2019, respectively and it was found that University has not made compliance till date. Now at this juncture, when the University has miserably failed to comply with the orders of the Commission by the stipulated dates as directed in Case Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of 2019, against the Arni University, it is ordered that the Director Higher Education to ensure that :

1. All the Bank accounts of Arni University in operation, shall remain restrained for withdrawals with immediate effect till further directions of the Commission, including Bank Account no. 50200015729850 with HDFC Bank, SAILI ROAD Pathankot, Punjab (Branch Code 000526, and IFSC Code : HDFC0000526) and Bank Account No. 3404967693 with Central Bank of India, Indora (H.P.)(Branch Code : 283611; IFSC Code : CBIN0283611).
2. University complies the orders of the Commission in above eleven Cases by 10 June, 2019, failing which Endowment Fund of the University lying / pledged with the Government / other assets of the University be liquidated to the extent to meet out the immediate liabilities of the salary disbursement to the applicants who have approached Hon'ble High court of HP as outlined in the ibid orders of the Commission.
3. Besides meeting the above liabilities as outlined in para-2 above decided in accordance with the directions of the Hon'ble High Court of Himachal Pradesh, the remaining proceeds of the liquidation of endowment fund and the assets be utilized to meet the liabilities on account of disbursement of pending salaries to rest of the faculty and staff.
4. The recoupment of the utilized Endowment Fund on the above liabilities to the Government of Himachal Pradesh by June 30, 2019 from the University, failing which the Director of Higher Education, if require shall appoint an Administrator for the University for the same and to run the University efficiently for quality education.
5. In the above referred processes, Director of Higher Education to ensure that studies of the students already enrolled do not suffer.
6. The course approval granted to the University for the Academic Year 2019-20 is held in abeyance, thereby no new admission be done till the University comply with the ibid orders passed by the Commission and regulates the payments / salaries of the faculty and staff, and

Order be uploaded on the website of the Commission.

Copies of order be supplied to the following:

1. The Principal Secretary (Education) to the Government of Himachal Pradesh, for information:

2. The Director of Higher Education, Govt of H.P., Lal Pani, Shimla (alongwith a set of 11 Orders of the Commission dated 30.04.2019) for information and necessary action:
3. The Branch Managers, HDFC Bank, SAILI ROAD Pathankot, Punjab for information and compliance
4. The Branch Manager, Central Bank of India, Indora (H.P.) for information and compliance;
5. The applicants for information, and
6. Respondent University through its Registrar for information and compliance.

DATED : MAY 31, 2019

Sd/-  
DR.K.K.KATOCH  
CHAIRMAN, HP-PERC

