

**Before Himachal Pradesh Private Educational Institutions
Regulatory Commission, Shimla .**

Case No: 11/2021

Date of Institution: 14.07.2021

Date of Decision: 15.09.2021

In the matter of:

Shiv Kumar

.....Petitioner

Versus

Arni University, Kathgarh, Distt.-Kangra (HP)

.....Respondent

Order

This order shall dispose off the complaint filed by Sh. Shiv Kumar (herein after referred as petitioner) through email on dated 13.05.2021, wherein petitioner filed complaint against Arni University, Kathgarh, Distt.-Kangra (HP) (herein after referred as respondent University) regarding clearance of pending dues alongwith interest for the period of one year. The matter was further taken up with the respondent university vide letter dated 25.06.2021 and the respondent University contested the complaint and submitted vide letter dated 28.06.2021 that the petitioner forged his appointment letter as Training & Placement Officer and during his tenure as Vice-Chancellor, University faced strike and agitation from employees and students and due to his incompetence in work and negligence, University sustained financial losses. However, a caveat petition has also been received on 05.07.2021 from the respondent University against the present petitioner

After receiving reply from the respondent University, the matter was fixed for hearings on 27.07.2021 & 11.08.2021, Registrar of respondent University requested for two weeks time and further ten more days time respectively to resolve the issue amicably which was allowed. Further, the Commission directed for the personal appearance of Chancellor, Vice-Chancellor, Registrar and Finance Officer of respondent University. Both the parties appeared before the Commission on 26.08.2021 and ample time for amicable settlement was given but the parties could not arrive at any conclusion. Moreover, as per the record submitted by both the parties, it is revealed that petitioner worked as a Vice-Chancellor at the respondent University for one year as per his appointment letter issued on dated 07.04.2020, which had retrospective effect from 09.10.2019 for the fixed pay of Rs. 2.00 Lacs per month (inclusive of all allowances). The resignation was submitted by the petitioner to the

respondent University on dated 25.09.2020 vide letter dated 24.09.2020 which was accepted by the respondent University on 08.11.2020.

After hearing the plea of both the parties and on examination of all the documents submitted by the parties pertaining to the matter, it is observed:

1. That on perusal of the appointment letter of the petitioner, petitioner was appointed as Vice-Chancellor with retrospective effect from 09.10.2019 for the fixed pay of Rs. 2.00 Lacs (inclusive of all allowances) as per terms & conditions of appointment fixed by the respondent University at that time.
2. That the resignation was submitted by the petitioner to the respondent University on dated 25.09.2020 vide letter dated 24.09.2020 which was accepted by the respondent University on 08.11.2020.
3. That respondent University did not produce any documents which could prove that all the pending dues of the petitioner have already been paid to him.
4. That during hearing, the respondent University could not place any record which could prove that appointment letter was forged by the petitioner and due to his negligence, the University suffered huge financial loss. Moreover, respondent University could not explain that what prevented them to lodge an FIR against the petitioner, if any forgery was committed.

In view of the above, the Commission hereby passes the following orders:

- That as per records submitted by both the parties, it is evident that the petitioner is entitled for the salaries for the period of 09.10.2019 to 25.09.2020 and the respondent University is liable to release the pending dues of the petitioner. However, if any advance payment have already been made to the petitioner by the respondent University be also taken into consideration at the time of clearance of all the pending dues.
- Both the parties are again advised to amicably settle the issues and aggrieved party may approach the appropriate forum for the desired relief.

The above shall order come into the power with immediate effect.

Matter stand adjudicated, representations / applications, pending if any, in this matter also stand disposed off.

Orders be uploaded on website of the Commission.

File after completion be consigned to record room.

Announced.

(Major/General Atul Kaushik)
Chairman

(Prof. Shashi Kant Sharma)
Member