

(2018) 10 MAN CK 0001

In the Manipur High Court

Case No : Writ Petition No. 1037 Of 2016, Miscellaneous Cases No. 117 Of 2017

Kulachandra Singh

APPELLANT

Vs

Manipur University & 2 Ors

RESPONDENT

Date of Decision : 08-10-2018

Acts Referred:

Citation : (2018) 10 MAN CK 0001

Hon'ble Judges : Kh. Nobin Singh, J

Bench : Single Bench

Advocate : S. Biswajit Meetei, M. Devananda, Hungyo Zingkhei

Final Decision : Disposed Off

Judgement

Kh. Nobin Singh, J

Heard Mr. S. Biswajit Meetei, learned counsel appearing for the petitioner; Mr. M. Devananda, learned counsel for respondent No. 2 & 3 and Mr. Hungyo Zingkhei, learned counsel for Manipur University.

By the instant writ petition, the petitioner has prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondents to drop the disciplinary proceedings initiated against him.

It may be noted that in the writ petition being W.P.(C) 84 of 2016 filed by the petitioner, this Court has delivered a judgment and order dated 08.08.2016 wherein this Court has passed the following order :

"11.(a) If a memorandum of charge is not issued to the petitioner on or before 29.08.2016, the order of suspension dated 20.12.2014 issued by the Registrar, Manipur University and other office orders issued extending its term, shall stand quashed and the petitioner be reinstated in service immediately thereafter;

(b) In the event of a memorandum of charge being issued to the petitioner as aforesaid, the disciplinary proceeding initiated against him shall be completed,

within a reasonable time, keeping in mind the various decisions rendered by the Hon'ble Supreme Court in this regard."

It is stated by Mr. M. Devananda, learned counsel appearing for respondent No. 2 & 3 that an appeal preferred against the judgment and order dated 08.08.2016 has been dismissed.

After the said judgment and order dated 08.08.2016 having been passed by this Court, a Memorandum of charge was issued to the petitioner and accordingly, the petitioner is being under suspension. On 20.12.2016, when the matter came up for consideration, this Court was pleased to issue notice to the respondents. On 24.03.2017, when the matter was listed again for consideration, learned counsel appearing for the petitioner submitted that the petitioner was not furnished with the copies of all the documents on the basis of which charges was framed and accordingly, the respondents were directed to proceed with the preliminary hearing only after the copies of the documents sought for by the petitioner, were furnished to him. On 20.04.2017, when the matter was listed again, learned counsel appearing for Manipur University submitted that copies of some of the documents could not be furnished to the petitioner because the same are in the custody of the CBI.

One of the grounds advanced for directing the respondents to drop the Disciplinary Proceeding was that all the documents sought for by the petitioner were not furnished. As per the list of documents furnished to the petitioner along with the Memorandum, there are 60 documents of which copies of all are not furnished to the petitioner.

During the course of hearing Mr. S. Biswajit, learned counsel for the petitioner submits that on 02.06.2017 a letter was addressed to the petitioner by the Deputy Registrar, Manipur University informing that as regards the inquiry initiated by the petitioner, the university did not have the said documents as mentioned in the Query No. A(ii), B(iii) and C(ii). It is seen that the Manipur University has fairly admitted that some of the documents have not been furnished to the petitioner.

In view of the above admission made by the Manipur University, the instant writ petition is disposed of with the direction that the Disciplinary proceeding initiated against the petitioner shall be completed within a reasonable time preferably within 3(three) months from the date of receipt of a copy of this order and in case disciplinary proceeding is not completed by then, it is open to the Manipur University to apply for extension of time by giving reasons thereof. It is expected that the petitioner shall co-operate with the Disciplinary proceeding. It is made clear that the Disciplinary Authority, while submitting the report, shall not rely upon the documents, copies of which have not been yet furnished to the petitioner.

Interim order granted earlier shall stand vacated.