

(2001) 01 P&H CK 0017
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 3720 of 1999

Sant Kumar Gupta

APPELLANT

Vs

Indira Gandhi National College

RESPONDENT

Date of Decision : 22-01-2001

Acts Referred:

Arbitration Act, 1940 — Section 14, 17
Kurukshetra University Calendar, 1970 — Regulation 12.7

Citation : (2001) 01 P&H CK 0017

Hon'ble Judges : R.L. Anand, J

Bench : Single Bench

Advocate : Mr. Arun Jain, for the Appellant; Mr. S.C. Sibal, for the Respondent

Judgement

R.L. Anand, J.—This judgment of mine will dispose of CR No. 3541 of 1999 also.

2. This is a civil revision and has been directed against the judgment dated 22.3.1999 passed by the Court of Additional District Judge, Kurukshetra, who affirmed the order dated 31.3.1997 passed by the court of Civil Judge, Senior Division, Kurukshetra, who dismissed the petition filed by the petitioner u/s 14 read with Section 17 of the Arbitration Act.

3. Some facts can be noted from the file of CR No. 3720 of 1999 in the following manner. Sam Kumar Gupta, petitioner tiled a petition u/s 14 read with Section 17 of the Arbitration Act and it was averred by him that he joined the Indira Gandhi National College, Ladwa, on 2.8.1976 as Librarian. His probation period was extended for one year with effect from 2.8.1977 and his services were terminated on 11.8.1977 vide separate letter. He filed a representation before the Kurukshetra University and before the Vice Chancellor who appointed an Arbitration Committee under Rule 12.1 of the Regulation Governing the Services and Conduct of the Teachers for non-government affiliated colleges. The arbitration proceedings were stayed by the High Court vide order dated 6.1.1978 and ultimately vide order dated 23.1.1991, the High Court directed that the proceedings before the Arbitration Committee be concluded as expeditiously as

possible. Ultimately, the learned Additional District Judge, Kurukshetra, directed the Arbitrator on 3.5.1995 to pronounce the award within 2 months and consequently on 12.6.1995, Arbitration Committee delivered the award. The order of termination has been held to be unjustified by the Arbitration Committee and liable to be set aside. So, the petitioner filed a petition u/s 14 read with Section 17 of the Arbitration Act that the decision of the Arbitration Committee dated 12.6.1995 be made a Rule of the Court.

4. This petition was resisted by the respondent-University. The trial Court framed the issues and vide its order dated 31.3.1997 allowed the objections and set aside the award. Not satisfied with the order of the trial Court, the petitioner filed an appeal before the Additional District Judge, Kurukshetra, who vide order dated 22.3.1999 upheld the order of the trial Court. Still not satisfied with the order of the Additional District Judge, Kurukshetra, the present revision has been filed by the petitioner.

5. I have heard Mr. Arun Jain, learned counsel for the petitioners and Mr. S.C. Sibal, learned counsel for respondent No. 1 and with their assistance I have gone through the record of the case.

6. Learned counsel for the petitioner submits that as per Ordinance 16 of Appendix-IX of Kurukshetra University Calender, the remedy which was available to the petitioner was to straightaway file a petition without resorting to the remedy u/s 14 read with Section 17 of the Arbitration Act. Learned counsel for the petitioner submits that the present revision may be disposed of with the observations that the petitioner may adopt the remedy for the implementation of the award of the Arbitration Committee as per the provisions of Regulation 12.7 of the said Calender. On the contrary, learned counsel for the respondent vehemently opposed the request of the learned counsel for the petitioner.

7. Be that as it may, and without adjudicating the controversy whether the petitioner is legally entitled to the implementation of the award under Regulation 12.7 of the Calender as suggested by the learned counsel for the petitioner, this revision petition is disposed of by making an observation that the order of the trial Court shall not have any bearing of effect in case the petitioner avails any remedy under Regulation 12.7 of the Calender. The petitioner is at liberty to take any other pleas as he deems fit including the pleas that have been raised before the trial Court and in this revision in the event of his filing the petition under Regulation 12.7 of the Calender. However, it is clarified that the observations of the Courts below shall not have any binding effect on the Court entertaining the petition which may be filed by the petitioner in accordance with the provisions of Regulation 12.7 of the Calender. There shall be no order as to costs.

8. Order accordingly.