

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR 2232 of 2015

Date of decision:- 30.3.2015

Dr. Raj Kumar Siwach and others

Petitioner

vs.

Chaudhary Devi Lal University, Sirsa and others

Respondent

Present: Mr. AK Bura, Advocate.

M.M.S.BEDI,J.

The petitioners claim that they have been prejudiced by an order passed in civil suit titled **Bhupinder Kumar vs. Ch. Devi Lal University and ors.** On account of the interim order, the promotion of the petitioners under the Career Advancement Scheme has been prejudiced. The petitioners preferred a writ petition under Article 226/227 of the Constitution of India, which was dismissed as not maintainable. The petitioners filed Letters Patent Appeal No. 486 of 2015, which was disposed of on 26.3.2015 by passing the following order:

“This letters patent appeal impugns the order dated 19.03.2015, whereby the appellants' writ petition has been dismissed by learned Single Judge being not maintainable. In the writ petition, the appellants challenged an interlocutory order passed by the Additional Civil Judge (Senior Division), Sirsa, in a civil suit which respondent No.4 has filed without impleading the appellants as party-defendants.

The grievance of the appellants is that due to ad-interim injunction order, their promotions under the

Career Advancement Scheme have come to an halt.

In our considered view, the learned Single Judge has rightly observed that the writ petition was misconceived as the judicial order passed by a civil court cannot be challenged in writ jurisdiction, moreso, when the appellants have got an effective alternative remedy. Since the appellants are said to have been affected by that order, they may explore whether any appeal is maintainable against the same and if so maintainable, it appears to us that they may file the same with the leave of court. If no appeal is maintainable, the appellants can challenge that order under Article 227 of the Constitution read with Section 151 CPC by invoking revisional jurisdiction of this Court, alongwith an application seeking permission to challenge that order.

With liberty aforementioned, we decline to interfere with the order passed by learned Single Judge.

Dismissed.”

The petitioners in view of the said order have approached this court by filing the present revision petition under Article 227 of the Constitution of India, without availing the alternative remedy of either approaching the civil court or the appellate court (with the permission of the court). The order passed by the LPA Bench enabled the petitioners to avail the effective alternative remedy by approaching the courts below and in case still aggrieved, they were held entitled to approach this court in revisional jurisdiction. The revision petition is pre-mature.

The revision petition is disposed of as pre-mature with liberty to the petitioners to avail the other alternative efficacious remedy to challenge any order passed, prejudicing their rights. It is observed that in case the petitioners move an application under Order 1 Rule 10 (2) CPC

or any application for intervention under Section 151 CPC or claiming any remedy under the provisions of Order 43 CPC, the court concerned will expeditiously decide the same taking into consideration the prejudice being caused to their rights in a litigation initiated at their back by a third party.

March 30 , 2015
TSM

(M.M.S.BEDI)
JUDGE