

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

LPA No.1559 of 2015 (O&M)  
Date of decision: 03.12.2015

Dr. Praveen and others

...Appellants

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL  
HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Lalit Rishi, Advocate,  
for the appellants.

Mr. Sudeep Mahajan, Addl. AG, Haryana.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the interim order dated 20.10.2015 passed by the learned Single Judge in the writ petition (CWP No. 22586 of 2015) filed by the appellants challenging the order of termination of their services on withdrawal of the post, on which they were working on contract basis.

Vide the impugned order passed by the learned Single Judge, while issuing notice of motion, only notice regarding stay was issued. It is the case of the appellants that the learned Single Judge should have also stayed termination of their services.

In this appeal, on 26.10.2015 while issuing notice of motion, the learned Vacation Bench permitted the appellants to continue in service.

We have heard learned counsel for the parties.

Learned Additional Advocate General, Haryana, has pointed out that the appellants were relieved from service on 14.09.2015 by giving them 30 days notice for termination of contract, i.e. much earlier to the filing of the writ petition before the learned Single Judge. Without

disclosing the proper facts before the learned Vacation Bench, the appellants got an interim order to the effect that they shall continue in service. Learned State counsel argued that when the appellants were not in service on the day of filing of the writ petition before the learned Single Judge, how they can be ordered to continue in service.

On the other hand, learned counsel for the appellants argued that every fact was disclosed before the learned Vacation Bench and after considering the same, the interim order dated 26.10.2015 allowing the appellants to continue in service was passed. Learned counsel though does not dispute the fact that the appellants were relieved on 14.09.2015, but argued that as an interim relief, the court can order to take back the appellants in service. He submits that after passing of the said interim order on 26.10.2015, the appellants have been taken back in service, and certain similarly situated persons are also still working with the respondents. Hence, the interim order passed by the learned Vacation Bench may be allowed to continue till disposal of the writ petition.

After hearing learned counsel for the parties and considering their respective submissions, we are of the opinion that the impugned order passed by the learned Single Judge does not require any interference. On the first date of motion hearing, while issuing notice of motion, learned Single Judge also issued notice regarding stay. Actually, vide the impugned order, stay with regard to termination of services of the appellants was not declined. Rather, it was pending for consideration and this issue was to be decided after hearing the other side. Instead of waiting for the adjourned date, the appellants filed the instant appeal. In our opinion, against such an order, normally Letters Patent Appeal should not have been entertained. In

the present case, if the appellants had a better claim, the learned Single Judge would have passed the order of taking them back in service. However, the appellants filed the instant appeal and got the ex-parte order on 26.10.2015 to continue in service, which goes contrary to the factual position. The appellants were already relieved on 14.09.2015. They approached this Court by filing the Writ Petition much after about 20 days and when only notice regarding stay was issued by the learned Single Judge, they approached this court again by filing the instant appeal and got an interim order that they shall continue in service, when actually they were not in service on that day. Merely because under some misinterpretation, the appellants were taken back in service by the respondents, they should not be given premium and cannot be permitted to continue in service on the basis of the said order. Thus, we are of the opinion that the impugned order does not require any interference by this court and let the learned Single Judge examine the issue with regard to the interim relief or any other relief in light of the written statement, which is yet to be filed by the respondents.

Consequently, this appeal is dismissed.

**(SATISH KUMAR MITTAL)**  
**JUDGE**

**( SHEKHER DHAWAN )**  
**JUDGE**

**December 03, 2015**  
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