

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.395 of 2014 (O&M)
Date of Decision: 13.05.2015

Kurukshetra University

... Appellant

VS.

Kanwal Singh Rana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. AS Virk, Advocate for the appellant

Mr. Sameer Sachdeva, Advocate for respondent No.1

Mr. RK Malik, Senior Advocate with
Mr. Vijay Dahiya, Advocate for respondent No.2

SURYA KANT, J. (Oral)

(1) The appellant-University assails the order dated 31.10.2013 passed by learned Single Judge whereby selection and appointment of respondent No.2 (Raj Kumar) as Assistant Manager (Press) made in the year 1997 has been set aside with a further direction to the appellant-University to consider the claim of respondent No.1 (Kanwal Singh Rana) for the said post. Besides appellant-University, respondent No.2 has also challenged the order of learned Single Judge by way of another appeal (LPA No.145 of 2014) in which operation of the judgement passed by learned Single Judge was stayed.

(2) Respondent No.2 (Raj Kumar) has meanwhile retired from service on attaining the age of superannuation. His LPA has

been disposed of vide a separate order of even date clarifying that he shall be taken to have retired from the post of Assistant Manager (Press) for all intents and purposes. The resultant effect would be that the post of Assistant Manager (Press) stood occupied by respondent No.2 till 31.07.2014. In this manner, the vacancy shall be deemed to have arisen only w.e.f. 01.08.2014.

(3) We see no reason to interfere with the direction given by learned Single Judge to consider the claim of respondent No.1 subject to his suitability etc. Consequently, this appeal is disposed of by modifying the order of learned Single Judge in the manner as directed above, namely, that if respondent No.1 is still interested, his claim for appointment to the post of Assistant Manager (Press) shall be re-considered by the University subject to his suitability and in case it is decided to offer him appointment, such appointment shall be notionally w.e.f. 01.08.2014 and actual benefits shall be granted to him from the date of appointment only. The directions issued by learned Single Judge shall be complied with within two months from the date of receipt of a certified copy of this order.

(Surya Kant)
Judge

13.05.2015
vishal shonkar

(P.B. Bajanthri)
Judge