

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

LPA No.1457 of 2016 (O&M)

Date of Decision: 11.08.2016

Dr. Kamlesh Kumar Dhiman

..... Appellant

Versus

Panjab University, Chandigarh and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

1. Whether speaking/reasoned? Yes/No
2. Whether reportable? Yes/No
3. Whether Reporters of local papers may be allowed to see the judgment?
4. To be referred to the Reporters or not?
5. Whether the judgment should be reported in the Digest?

Present: Mr. Amar Vivek, Advocate for the appellant.

Mr. Girish Agnihotri, Senior Advocate with
Mr. Arvind Seth & Mr. Vijay Pal, Advocates,
for respondent No.1.

Mr. Puneet Gupta, Advocate for the caveator.

SURYA KANT J. (ORAL)

1. Notice of motion.
2. On our asking, Mr. Arvind Seth, Advocate, who is present in Court accepts notice on behalf of respondent No.1 and Mr. Puneet Gupta, Advocate accepts notice on behalf of respondent No.6, who is on caveat. In view of the nature of order, which we propose to pass, there is no necessity to call upon the other respondents.
3. This Letters Patent Appeal is directed against the interlocutory reasoned order whereby the learned Single Judge has vacated the *ad interim* stay granted on 20.06.2016. Vide the said interim order, the appellant was permitted to continue as Principal of Homoeopathic Medical College and Hospital, Sector 26, Chandigarh. The stay order has now been vacated

primarily on the ground that the appellant stood relieved from the assignment on the date when he admittedly superannuated and respondent No.6 had taken over as the new Principal.

4. Learned counsel for the parties are *ad idem* that the question under consideration in the main case is whether or not the appellant is entitled to continue in service up to the age of 65 years? They also state at the bar that such a question raised in the cases of similarly placed college teachers, has been argued at length and the judgment of the learned Single Judge is awaited. That judgment would obviously have a direct bearing on the claim of the appellant in the main case, though he might have still some additional points to urge before the learned Single Judge.

5. In this view of the matter, when the controversy is likely to be resolved very soon, we are satisfied that the order of the learned Single Judge vacating the *ad interim* stay, does not warrant any interference. We reiterate and it is clarified by learned Single Judge also that the observations in the order under appeal with regard to the failure of the appellant in informing his counsel or the Court that he had been relieved from the post on 10.30 am, cannot be outrightly held as a deliberate attempt. Such an observation is thus cannot and shall have no bearing on the merits of the case.

6. Disposed of.

(SURYA KANT)
JUDGE

11.08.2016
Bhumika

(SUDIP AHLUWALIA)
JUDGE