

**CM-3514-2016 in/and
LPA-1721-2016 (O&M)**

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

**CM-3514-2016 in/and
LPA-1721-2016 (O&M)
Date of Decision: November 22, 2016**

State of Haryana and another

.....Appellants

Versus

Robi Malik and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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

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Present: Mr.R.D.Sharma, DAG, Haryana
for the appellants.

Mr.R.K.Malik, Sr.Advocate with
Mr.Bhupinder Malik, Advocate
for the respondent.

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SURYA KANT, J.

CM-3514-2016

For the reasons mentioned in the application, the same is
allowed. Delay of 6 days in filing the appeal is condoned.

CM stands disposed of.

LPA-1721-2016

This Letters Patent Appeal has been preferred by State of
Haryana against an interlocutory order whereby learned Single Judge directed
the appellant-authorities to recall the respondents to teach the subjects for
which they were appointed on contract basis. One of the plea taken is that
some teachers who were on deputation have been repatriated and adjusted

against the vacant posts and thus, no post was available for adjustment of the respondents on contract basis. This contention, however, is refuted by learned counsel for the respondents on the basis of information taken under the Right to Information Act, 2005.

In view of the rival contentions, it appears that *ad interim stay* matter deserves to be decided by the learned Single Judge afresh keeping all the relevant facts in view. We, thus, set aside the order dated 27.07.2016 with a request to learned Single Judge to pass an appropriate order preferably on the date fixed, after taking into consideration all the facts and submissions of both sides.

**(SURYA KANT)
JUDGE**

November 22, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |