

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.186 of 2016 (O&M)

Date of Decision: 8.9.2016

Dilbag Singh and others

..Appellants

Vs.

State of Punjab and others

..Respondents

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

Present: Mr.Harinder Sharma, Advocate for the appellants.
Mr.P.S.Bajwa, Addl.AG Punjab.

SURYA KANT, J.

Appellants filed CWP No.21502 of 2015 seeking a direction for promotion to the posts of Lecturer (School Cadre) as according to them their juniors were still continuing on such promotional posts.

When the writ petition came up for hearing before the learned Single Judge on 15.10.2015, it was dismissed being not pressed with the following order:

“After arguing for some time, counsel does not press the present writ petition in view of the order passed in CWP No.185 of 2014 with liberty to take his appropriate steps in the above said case.

Ordered accordingly.”

The appellants apparently changed their mind and then wanted to continue with the writ proceedings. They thus moved CM No.15510 of 2015 for recalling of the order dated 15.10.2015 reproduced above.

Learned Single Judge dismissed that application on 8.12.2015

observing that “No ground is made out to vary the order passed. CM stands dismissed.”

This intra Court Appeal has now been filed on the premise that the appellants infact never intended to withdraw the writ petition. The argument almost suggests that the learned Single Judge has passed a factually wrong order. We cannot accept such plea, moreso when the application for recalling the order dated 15.10.2015 has also been dismissed by learned Single Judge.

The subsequent cause of action pleaded to justify the revival of writ petition, namely, that juniors to the appellants are still continuing in service due to an ad interim stay granted by this Court, if at all is correct, at best allows the appellants to join such proceedings and make out a case before the Court concerned that their juniors are not entitled to any protection in view of the fact that the seniors are still awaiting promotions to the posts of Lecturers (School Cadre). No case to interfere with the impugned order is therefore, made out except to grant the above mentioned liberty.

Dismissed.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

8.9.2016
Meenu

Whether speaking/reasoned	-	Yes/No
Whether Reportable	-	Yes/No