

LPA no. 849 of 2016 (O&M)

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

LPA no. 849 of 2016 (O&M)

Date of Decision :19.05.2016

The State of Haryana and another

....Petitioner(s)

Versus

Vikas Sharma and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MRS JUSTICE LISA GILL**

**Present : Mr.Sudeep Mahajan, Addl. AG, Haryana
for the petitioners**

MAHESH GROVER, J.

The appellants are aggrieved of the judgment of the learned Single Judge where directions have been given to grant approval to respondent no.2 – College enabling them to fill up post of Peon for which they have been requesting the appropriate authority of the State since some time.

Learned counsel for the appellants contends that since it was the college which has to make appointments, the directions are intended for the college and the observations of the learned Single Judge directing them to do so are erroneous.

Nothing could be further from truth. There are clear directions to respondent no.2 in writ petition (i.e present appellant) to approve the appointment of respondent no.1 as Peon against a sanctioned vacant post on regular basis w.e.f 6.8.2004 with all consequential benefits. The obligation

is thus on the appellant. Necessary action was directed to be taken within a period of three months from the date of receipt of the certified copy of the order. College could appoint him only after an approval from the competent authority.

Learned counsel for the appellants after failing to convince this Court now contends that in terms of Annexure P-5 the vacancy of post of Peon would arise from 13.5.2010.

According to us, this is not an issue to be dealt with in Letters Patent Appeal and we leave it to the appellants to move appropriately before the learned Single Judge in this regard, if so advised. Besides the appeal is also barred by delay of 328 days which we do not find any reason to condone.

Hence, dismissed.

(Mahesh Grover)
Judge

19.05.2016
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(Lisa Gill)
Judge