

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

101

RSA-1714-1991 (O&M)

Date of Decision : 07.12.2017

Punjab Agricultural University, Ludhiana

..... Appellant

Versus

Dr. Darshan Lal Sharma (now deceased) through his LRs

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Amanpreet Kaur, Advocate
for Mr. H.N.S. Gill, Advocate
for the appellant.

Ms. Shallie Mahajan, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below whereby the appellant was directed to consider the case of the respondent for ante-dated promotion as Associate Professor w.e.f. 07.02.1983.

On 27.03.2017 the following order was passed:-

“The pleaded date from which ante dated promotion as Associate Professor by the plaintiff was sought in the plaint was 1st July, 1983. The courts below have pushed back that date to 7th February, 1983 giving more relief than claimed. The respondent-University on its part was prepared to consider promotion w.e.f. 1st January, 1984 when the vacancy in the cadre of Associate Professor occurred. Ordinarily no court would grant relief which is not prayed for. Then the narrow issue involved in this appeal comes to a difference of

only about six months from the date when the relief was sought. Assuming that the respondent-University grants promotion from the date it was claimed i.e. 1st July, 1983, then would the Registrar of the University re-visit the case and concede to a promotion w.e.f. 1st July, 1983 and to apprise this Court of the impact it may have on further promotions and the last pay drawn. Registrar of the University to file an additional affidavit on the above point.

Meanwhile, Ms. Shalli Mahajan, learned counsel for the respondent would also take instructions from her client.

List again on 3.4.2017.”

Thereafter the respondent had passed away and his LRs brought on record. The wife of the respondent has informed the counsel that since the respondent is now passed away they are not interested in pursuing the appeal. It transpires that during this interregnum the appellant had granted promotion to the respondent w.e.f. 01st January, 1984.

In this view of the matter, the appeal is allowed and the impugned judgments are set aside.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

December 07, 2017
ashish

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No