

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

LPA No.1041 of 2017 (O&M)

Date of Decision :07.06.2017

Anup Chauhan

....Appellant

Versus

R.K.Verma and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE FATEH DEEP SINGH

....

Present: Mr. Harkesh Manuja, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

CM No.2213-LPA-2017

Allowed as prayed for.

LPA-1041-2017

The learned counsel for the appellant contends that he was reemployed by the State w.e.f. 01.03.2017 for a period of one year that is to expire on 28.02.2018. The writ petitioners impugned this arrangement professing their right to be considered for promotion which the reemployment of the appellant was impeding.

At the time of motion hearing no restraint order was passed in the case of the appellant and subsequently by virtue of another application bearing No.8080 of 2017 the learned Single

Judge without issuing any notice to the appellant stayed the operation of the order of reemployment in the appellant's case. Ostensibly the catalyst for this was provided by an order of reemployment issued in favour of another co-respondent (respondent No.6 in the writ petition) whose term was extended by another order during the pendency of the writ petition itself.

Apart from the fact that a grievance has been made that no hearing was afforded to the appellant, it has also been urged that the right of the writ petitioners has yet to be determined and crystalized and till that time the entire arrangement made by the State would be stalled regardless of the fact the writ petitioners succeed in their endeavour or not.

We have heard the learned counsel for the appellant and are of the opinion that the matter is still pending before the learned Single Judge before whom the appellant would have the remedy of varying/modification of the order adverse to him. But noticing the fact that interim stay has been granted without hearing the appellant who was indeed a party to the writ proceedings but not given any opportunity, as also was the case of the counsel for the State who was not given any time, we are of the opinion that a prejudice indeed has been caused to him which we intend to rectify by granting him interim relief till 31.07.2017, a date we have prescribed to enable the parties to

complete their pleadings so that the learned Single Judge can proceed to determine the matter, for which we would request him to do so expeditiously considering the nature of post involved and the likelihood of a casualty to the interest of works of public importance. We notice from the writ proceedings and the nature of prayer made therein that the writ petitioners have yet to earn a favourable observation from the court regarding their entitlement to promotion which in any case is a right of consideration alone. This only strengthens our view that no post should remain unmanned.

Having made these observations, we do not find it essential to issue notice to the other side as the matter would now be debated before the learned Single Judge, on the date fixed, as noted above.

Appeal disposed of.

(MAHESH GROVER)
JUDGE

07.06.2017
dss

(FATEH DEEP SINGH)
JUDGE