

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

Letters Patent Appeal No. 1507 of 2018 (O&M)

Date of Decision: 31.10.2018

Prof. Raghuram Rao Akkinapally

.....Appellant

versus

Board of Governors, NIPER, Mohali, through its Registrar and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Puneet Bali, Senior Advocate with
Mr. Arun Gupta, Advocate and
Mr. Paramveer Singh, Advocate, for the appellant.

Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. Sube Sharma, Advocate,
Mr. Rohit Ahuja, Advocate, and
Mr. J.S.Puri, Advocate, for the respondents.

KRISHNA MURARI, C.J.(oral)

The subject matter of this Letters Patent Appeal arising out of the judgment of the learned Single Judge is an order dated 24.09.2018 passed by the Board of Governors placing the appellant under suspension.

2. While entertaining the appeal vide order dated 04.10.2018, the effect and operation of the said suspension order was stayed. The main ground of challenge was that since the Appointing Authority is the Hon'ble President of India in his capacity as a Visitor of the Institute, the Board of Governors had no jurisdiction to place him under suspension.

3. Learned senior counsel appearing for the respondents has brought to our notice an order dated 29.10.2018 passed by the Hon'ble President of India in his capacity as a Visitor of the Institute placing the appellant under suspension. Our attention has also been drawn to

application No. 4489-LPA of 2018 made by the appellants seeking stay of the operation of the subsequent suspension order dated 29.10.2018 during pendency of this appeal.

4. In our considered opinion, the order dated 29.10.2018 passed by the Visitor may give rise to a fresh cause of action and challenge to that order is not liable to be entertained in the present appeal inasmuch as the scope was limited to the order passed by the learned Single Judge pertaining to the earlier suspension order dated 24.09.2018. Implication of the subsequent order dated 29.10.2018 is that the earlier suspension order stands superseded since the appellant himself is urging that it is without jurisdiction.

5. In our considered opinion, this appeal is rendered infructuous and accordingly stands dismissed. It is open to the appellant to challenge the subsequent suspension order dated 29.10.2018 in case he feels aggrieved and if so advised before the appropriate forum.

6. In view of the above, the writ petition out of which this Letters Parent Appeal arises also stands disposed of.

A copy of this order be also placed in Civil Writ Petition No. 24717 of 2018.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

31.10.2018
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√