

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

LPA No. 811 of 2018 (O&M)
in CWP No. 9985 of 2018
Date of Decision: 30.05.2018.

Mrs. Savita Mehta

....Appellant

versus

State of Punjab and others

....Respondents.

**CORAM: Hon'ble Mr. Justice Rajesh Bindal.
Hon'ble Mr. Justice Deepak Sibal.**

Present: Mr. Rajinder Sharma, Advocate, for the appellant.
Mr. Suveer Sheokand, Additional Advocate General, Punjab

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RAJESH BINDAL, J.

The order dated 17.05.2018 passed by the learned Single Judge dismissing the application for preponing the date of hearing has been impugned by filing the present intra court appeal.

2. On the face of it, the Letters Patent Appeal should not have been entertained as the order is innocuous. However, after taking note of the peculiar facts of the matter, we thought it proper to intervene.

3. The case set up by the appellant is that in Civil Writ Petition No.4360 of 2018 involving identical issues, the learned Single Judge, vide order dated 28.02.2018 directed that the petitioner therein be not relieved till the next date of hearing. The interim stay regarding extension in services of the pharmacist after they attained the age of superannuation i.e. 58 years is still continuing. It was further pointed out that on 01.03.2018 in Civil Writ Petition No. 5123 of 2018, which also involved identical issues, while issuing notice of motion, interim stay in terms of Civil Writ Petition No.

4360 of 2018 was granted by the learned Single Judge. However, when the writ petition filed by the appellant herein was listed on 24.04.2018, the arguing counsel could not appear as he was in some personal difficulty. In the presence of the proxy counsel, the learned Single Judge merely issued notice of motion for 05.07.2018 but did not grant interim stay though the appellant, on attaining the age of superannuation will retire from service on 30.06.2018 and her request for grant of extension in service is pending with the respondents. The next date of hearing in the writ petition filed by the appellant after issuing notice of motion is 05.07.2018 i.e. after the appellant's attaining the age of superannuation.

4. Keeping in view the aforesaid facts and circumstances, it would be appropriate to set aside the order dated 17.05.2018 passed by the learned Single Judge disallowing prayer for preponing the date of hearing and allow the application for preponing the date of hearing in the main writ petition.

5. In view of the above, the appeal is allowed. Considering the fact that the appellant is retiring from service on 30.06.2018, the appellant's writ petition is directed to be listed on 14.06.2018, during vacations.

(RAJESH BINDAL)
JUDGE

(DEEPAK SIBAL)
JUDGE

30.05.2018

ravinder

Whether speaking/reasoned: Yes / No
Whether reportable : Yes / No