

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

LPA No. 865 of 2018 (O & M)

Date of decision: 07.06.2018

Guru Nanak Dev University and others

....Petitioner(s)

Versus

Tasbir Singh and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Gaurav Mankotia, Advocate,
for Mr. Amit Jhanji, Advocate,
for the appellants.

Mr. RPS Bara, Advocate,
for the respondents.

G.S.SANDHAWALIA, J. (Oral)

The Letters Patent Appeal is directed by the appellant-university against the interim order dated 24.05.2018 passed by the learned Single Judge. The same reads as under:-

“Contends that the petitioners were appointed as Assistant Professors in the Department of Computer Science and Engineering on 04.07.2015 (Annexure P-5) on contract basis. Respondent No.2 has issued another advertisement dated 15.05.2018 (Annexure P-8) to replace the petitioners by another set of contractual employees.

Notice of motion for 26.10.2018.

In the meantime, operation and effect of the order dated 15.05.2018 (Annexure P-8) shall remain stayed till next date of hearing and the petitioners shall not be replaced by same set of employees.”

On 04.06.2018, the following order was passed by this Court:-

“Learned counsel for the petitioner, inter alia, submits that though the impugned order dated

24.05.2018 passed by the learned Single Judge is interim in nature but the effect would be that the hiring on contract basis for the Academic session, which is starting, would be affected inasmuch as the stay has been granted regarding the operation and effect of the order dated 15.05.2018. It is submitted that it will cause extreme difficulty for the forthcoming session. It is also fairly submitted that the University is not aggrieved against the second portion of the interim order whereby the petitioners have been ordered not to be replaced by the same set of employees. It is the contention that the said persons already stood relieved on 30.04.2018 before the interim order was passed, this aspect has not been brought to the notice of the Court, but the said issue will be agitated before the learned Single Judge.

Notice of motion for 07.06.2018.

Issue dasti process.

Service be effected upon the respondents through Mr. R.P.S. Bara, Advocate.”

Mr. RPS Bara, Advocate appearing for the respondents-writ petitioners submit that there is no quarrel with the proposition which has been raised regarding the effect of the stay order and the ramification it would have on the hiring of the Assistant Professors. The academic session which is to start from July, 2018, thus, would seriously be hampered and the teaching schedule of the University would be effected. It is apparent that the interest of the private respondents will, thus, remain protected as they will not be replaced in view of the order passed by the learned Single Judge on 24.05.2018.

Accordingly, the present appeal is disposed of and it is clarified that the Advertisement (Annexure P-8) will continue to remain in operation and the University will be free to continue with the recruitment procedure as

per the terms of the advertisement. However, the writ petitioners would continue to get the benefit of the interim order regarding their replacement by the same set of employees till the disposal of the writ petition on merits. The issue as to whether they stood relieved before the interim order was passed also can be raised before the learned Single Judge also.

(G.S. SANDHAWALIA)
JUDGE

07.06.2018
shivani

(ANUPINDER SINGH GREWAL)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

