

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.5113 of 2019 (O&M)
Date of decision:15.07.2019

DP Warne

... Petitioner

Vs.

State of Haryana and others

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sunil Kumar Nehra (Sirsa), Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Mr. Anurag Goyal, Advocate
for respondents No.2 and 3.

Mr. Sanjay Kaushal, Senior Advocate with
Mr. Arjun Shukla, Advocate
for respondent No.4.

AMIT RAWAL J. (Oral)

Petitioner in present writ petition has invoked extra ordinary jurisdiction of this Court under Article 226 of Constitution of India claiming following relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents no.2 and 3 to restrain from taking decision in the meeting of Executive Council of university scheduled to be held on 27.02.2019 for promoting the teaching staff being in violation of order dated 14.11.2017 (Annexure P-

2) passed by Governor of Haryana cum Chancellor of Chaudhary Devi Lal University, Sirsa, and further direction to respondent no.2 & 3 to comply with directions issued by this Hon'ble Court vide order dated 18.09.2018 (Annexure P-3) to consider the case of the petitioner as per regulations and promote him to the post of Professor from the due date if found fit.

AND

Further issuance of writ in the nature of mandamus directing the official respondents to take legal action against the private respondent as per findings of CBI inquiry report and those responsible for manipulating/altering/forging record and illegally appointing the private respondent.

AND/OR

Further issuance of any other appropriate, writ, order or direction which this Hon'ble Court may deem fit in the facts and circumstances of the present case.”

As far as relief no.1 is concerned, order dated 18.09.2018 (Annexure P-3) passed in regular second appeal bearing No.3663 of 2017 titled as “Ch.Devi Lal University, Sirsa and others vs. Dr. Rajbir Singh Dalal and another” whereby following directions in a decree have been given:-

“This appeal coming on for hearing on September 18, 2018 before Hon'ble Mr. Justice Anil Kshetarpal, Judge of the

Hon'ble High Court of Punjab and Haryana at Chandigarh in the presence of Mr. Arvind Seth, Advocate for the appellants

The learned First Appellate Court has clearly error in issuing direction to the University to promote plaintiff no.2 as Professor. The directions issued by the learned First Appellate Court are modified and there shall be a direction to the University consider the case of plaintiff no.2 (respondent no.2 herein) within a period of three months as per regulation. If the respondent no.2 is found fit to be considered, his promotion shall be granted to him from the due date.

Given under my hand and the seal of the High Court of Punjab and Haryana at Chandigarh on September 18, 2018.”

However, for seeking implementation of decree, despite the fact COCP No.521 of 2019 is pending adjudication for 09.08.2019, the same relief cannot be granted. The aforementioned prayer is wholly atrocious and fallacious and cannot be supplemented by filing writ petition.

As far as other prayer directing the respondents is concerned for taking legal action against private respondent as per the findings of CBI inquiry report, I am of the view that such relief cannot be granted without leading any evidence being disputed question of facts.

The petitioner with such bent of mind and rancour against the appointing authority without disclosing pendency of contempt petition and charge-sheets as per the contents of reply, out of which according to learned counsel for the petitioner, has been exonerated in 6th but failed to give

particulars of other in the absence of any rejoinder, writ petition is required to be dismissed with exemplary costs of Rs.2.00 lakhs to be deposited with the Bar Association, Punjab & Haryana High Court, Chandigarh within a period of two months from the date of receipt of certified copy of this order. In case of non-deposit, respondents are at liberty to seek implementation of this order, in accordance with law.

Dismissed with aforementioned costs. Interim order granted vide order dated 27.02.2019 stands vacated.

(AMIT RAWAL)
JUDGE

July 15, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No