

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

Letters Patent Appeal No. 1310 of 2019 (O&M)

Date of Decision: 16.09.2019

Sunita age 42 years daughter of Hari Singh

.....Appellant

versus

State of Haryana and others

.....Respondents

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

Present : Mr. Jagbir Malik, Advocate, for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (oral)

CM No. 2860-LPA of 2019

Heard. For the reasons mentioned in the application, delay of 25 days in re-filing the appeal is condoned. Application stands disposed of.

LPA No. 1310 of 2019(O&M)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 27.02.2019 passed by the learned Single Judge dismissing the writ petition having been rendered infructuous in view of the statement made by the respondents that appointment has already been offered to the appellant-petitioner for the post of Primary Teacher (PRT) vide order dated 15.02.2019 for which she had filed the writ petition.

Learned Single Judge proceeded to observe that the seniority of the appellant will relate back to the merit position determined by the Board and that the pecuniary benefits will remain notional but effective from the date of appointment.

This was not challenged by the appellant-petitioner before the learned Single Judge and the order was accepted. Now subsequently this appeal has been filed saying that she would be entitled to all the benefits from the date other similarly situated persons had joined their services.

We are not inclined to accept this argument of learned counsel for the appellant. This issue was never raised before the learned Single Judge and therefore, it would not be appropriate for us to test the same in the intra-court appeal. Even otherwise the appellant-petitioner was satisfied with the judgment rendered by the learned Single Judge and now it is not open to challenge the same in the intra-court appeal. We do not find any infirmity or illegality in the order passed by the learned Single Judge which may require any interference.

The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.09.2019
ravinder

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