

LPA No. 866 of 2019 (O&M)

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

**LPA No. 866 of 2019 (O&M)
Date of decision: 03.05.2019**

**PT. B.D. Sharma University of Health Sciences, Rohtak and another
... Appellants**

Versus

**Dr. Geeta Gathwala and others
... Respondents**

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

Present: Mr. Nilesh Bhardwaj, Advocate,
for the applicant-appellants.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-2075-LPA-2019

This is an application seeking condonation of delay of 480 days
in filing the accompanying appeal.

For the reasons set out in the application, which is duly
supported by an affidavit, the same is allowed. Consequently, the delay of
480 days in filing the accompanying appeal is condoned.

Application stands disposed of.

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This intra-court appeal, under Clause X of the Letters Patent, is
directed against an interim order dated 4.12.2017, passed by the learned
Single Judge in the petition filed by respondent-Dr. Geeta Gathwala,
challenging the order dated 24.11.2017, whereby she was directed to join as

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Head of the Neonatology Department, while she was already functioning as Head of the Paediatrics Department.

The learned Single Judge passed the following interim order:-

“In the meantime, the petitioner shall not be relieved of her charge as Head of the Department, Paediatrics but she will also take on the responsibility of the Neonatology assignment, for the time being.”

The appellants have come up before us on the ground that though respondent-Dr. Geeta Gathwala is continuing as Head of the Department of Paediatrics and also holding the charge of Neonatology Department, but because of her non-cooperation, the department can not start the multi-speciality course of DM Neonatology, and there are other serious administrative problems as well, which have impelled them to file an appeal, at this belated stage.

Even before we could enter into the merits of the dispute, Sh. R.K. Malik, Sr. Advocate, assisted by Sh. Sunil Hooda, Advocate, appearing on behalf of Dr. Geeta Gathwala, on the basis of instructions, states that she is not interested in continuing in the Neonatology Department, the additional charge given to her, rather she would be happy in serving as Head of Paediatrics Department, and the appellants may proceed to fill up the post of the Head of the Neonatology Department, by appointing a suitable person.

Learned counsel for the appellants also has no objection to this.

In view of the aforesaid statement made by learned senior counsel for respondent-Dr. Geeta Gathwala, to which there is no objection by the learned counsel for the appellants, we see no reason for the writ

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petition to continue any further on the board.

Accordingly, we hereby requisition the records of the writ petition, bearing CWP No. 27555 of 2017 (Dr. Geeta Gathwala Vs. PT. B.D. Sharma University of Health Sciences, Rohtak and others) and after preponing the date fixed therein, disposed of the same along with this appeal, by making following directions:-

Dr. Geeta Gathwala shall continue to serve as Head of the Department of Paediatrics and relinquish the additional responsibility of the Neonatology Department. Further, it shall be open to the appellants to fill up the post of the Head of Neonatology Department by making suitable appointment, in accordance with law.

With the abovesaid observations and directions, the appeal as well as writ petition stand disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 03, 2019
AK Sharma

Whether speaking / reasoned:
Whether Reportable:

YES
NO