

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

**LPA No. 55 of 2020 O&M)
Date of decision: 14.01.2020**

Col. (Retd.) KVPS, Hundal

... Appellant

Versus

Union of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Sanjay Kaushal, Sr. Advocate, with
Mr. Abhishek Sethi, Advocate,
for the appellant.

Mr. Satya Pal Jain, Additional Solicitor General, with
Mr. Shivoy Dhir, Sr. Panel Counsel,
for the respondent-Union of India.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This appeal has been filed against order dated 18.12.2019, vacating interim order dated 7.11.2019, whereby status quo had been directed to be maintained.

We have an objection regarding maintainability of this appeal against an interim order passed by learned Single Judge.

Learned senior counsel for the appellant submits that vacation of the interim order would render the writ petition infructuous and, therefore, the appeal should be entertained by this Court.

Having heard learned senior counsel for the appellant and perused the record, we are of the considered opinion that issue involved in the original writ petition relates to continuance of contractual appointment of the appellant-petitioner and the said matter is pending adjudication before learned Single Judge. Mere vacation of the interim order would not render

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the writ petition infructuous, as the Court, at the time of final adjudication of the petition, would consider all aspects, and in case so required, shall pass necessary orders granting all consequential as well as substantial benefits to the petitioner, which are all quantifiable. In such circumstances, this appeal having been filed against an interim order passed by learned Single Judge, is not maintainable.

At this stage, learned senior counsel for the appellant submits that in spite of the order being passed by learned Single Judge, the petitioner is severely handicapped in filing his replication, as the petitioner is not being permitted to inspect the documents for preparing his defence.

Learned Additional Solicitor General appearing for the respondents, on advance copy, submits that in case the appellant-petitioner files an application giving a list of the documents that he wishes to inspect, the authorities would examine the same and thereafter permit examination of the documents that are permissible or furnish a requisite reply in writing to the petitioner.

In view of the statement and undertaking of the learned Additional Solicitor General, no observations or directions are required to be issued by this Court. The appeal is accordingly dismissed as not maintainable.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

January 14, 2020

AK Sharma

Whether speaking / reasoned: YES