

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

LPA-399-2020 (O&M)

Date of decision:- 30.06.2020

Dr. Anand Rai Bansal and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. Arvind Moudgil, Advocate,  
Mr. Kritin Sharma, Advocate,  
for the appellants.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

Mr. D.S. Patwalia, Senior Advocate,  
with Mr. Gaurav Rana, Advocate,  
for respondent No. 3.

\* \* \* \*

**RAVI SHANKER JHA, C. J. (ORAL)**

With the consent of learned counsel for the parties, the matter is being taken up and heard via video conferencing (Webex App software).

This appeal under clause X of the Letters Patent is filed against an order dated 15.10.2019 passed by the learned Single Judge constituting a Committee do decide the dispute as regards fixation of roster point, either to be 6<sup>th</sup> or 8<sup>th</sup> for scheduled caste for promotion to the post of Senior Professor in the Department of General Surgery.

From a perusal of the impugned order, it is apparent that the learned Single Judge has not decided the issue raised by the appellants on merits and rather, without expressing any opinion constituted a Committee of the Vice

Secretary, Department of Medical Education and Research or his nominee and any nominee nominated by the Vice Chancellor, Bhagat Phool Singh Mahila Vishwavidyalaya, Khanpur Kalan, Sonapat to look into the controversy relating to roster points after giving due opportunity of hearing to all the concerned or affected parties before this Court.

It is undisputed that the order passed by the learned Single Judge is dated 15.10.2019, whereafter the appellants in compliance thereof continued to participate in the proceedings before the Committee constituted by this Court which has even taken a final decision. Significantly, the appellants have even filed a contempt petition being COCP-1076-2020 prior to the filing of the present appeal claiming implementation of the impugned order passed by the learned Single Judge in letter and spirit. Not just that in the said contempt petition, the appellants had also filed CM-6888-CII-2020 seeking interim orders and the Contempt Court by an order dated 18.06.2020 had ordered that promotions to the post of Senior Professor in the General Surgery Department shall not be made pursuant to the recommendations made by the Executive Committee. Admittedly, the contempt petition is still pending.

Thus, the present appeal has been filed by the appellants as an afterthought. Rather the appellants had in fact accepted the order passed by the learned Single Judge and pursuant thereto had even participated in the proceedings before the Committee. Subsequently, as indicated above, they even filed a contempt petition for not implementing the order passed by the learned Single Judge. It is, thus, apparent that on the one hand while the appellants seek implementation of the impugned order passed by filing the contempt petition, whereas on the other they have assailed the same in the present appeal. It is also evident that the order passed by the learned Single Judge was passed in the month of October, 2019, whereas the present appeal has been filed on 26.06.2020 and the only explanation for the delay in filing the appeal is the outbreak of COVID-19 pandemic in the Country. It is well known and we take judicial note of the fact that lockdown and other

there is no explanation for the delay and laches on the part of the appellants from October, 2019 till March, 2020. In such circumstances, the explanation for the delay furnished by the appellants is false and is, thus, rejected.

Accordingly, the application for condonation of delay in filing the appeal as well as the main appeal itself are dismissed on merits.

(RAVI SHANKER JHA)  
CHIEF JUSTICE

(ARUN PALLI)  
JUDGE

30. 06. 2020  
Amogh/Ravinder

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |