

Sr.No.109

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

CR No.439 of 2021

Date of decision:01.03.2021

Shalini Gupta

... Petitioner(s)

versus

State of Haryana and others

... Respondent(s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Lalit Pardhan, Advocate
for the petitioner.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present revision petition has been filed under Article 227 of Constitution of India for challenging the order dated 29.01.2021(Annexure P-5) whereby the learned Education Tribunal, Charkhi Dadri has declined the preponement of the case. Further prayer has also been made in this petition seeking stay of the operation of the termination order dated 20.01.2021 (Annexure P-1).

So far as the second prayer with regard to the termination order qua the petitioner is concerned the same prayer is not maintainable in view of the fact that the termination order has been challenged before the Education Tribunal which is still pending and therefore, such kind of prayer is misconceived.

So far as the other prayer with regard to preponement of the case is concerned, perusal of Annexure P-3 would show that against the order of termination, petitioner had filed an appeal before the Education Tribunal and vide order dated 27.01.2021 notice was issued to the respondents for 04.05.2021. Thereafter, the petitioner filed an application for preponement vide Annexure P-4 and the same has been dismissed vide Annexure P-5. A perusal of the order Annexure P-5 would show that the reason for declining the prayer for preponement has been stated by the learned Education Tribunal cum Additional District Judge, Charkhi Dadri that the services of the petitioner have already been terminated and there is heavy pendency of cases not only of regular matters but also of urgent matters and there arises no question for early hearing on application under Order 39 Rules 1 and 2 CPC. The learned counsel for the petitioner has not been able to show any kind of urgency which can be considered for preponing the date which is already fixed for 04.05.2021. The reasons given by learned Tribunal are therefore, just and proper.

In view of the above, this Court finds that Annexure P-5 does not suffer from any infirmity, therefore, the present petition is dismissed.

1st March, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No