

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.365 of 2021 (O&M)
Date of decision : 08.04.2021

Dr. Yogesh Kumar Vashist Appellant

versus

State of Haryana & ors. Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. Arjun Pratap Atma Ram, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

1 The precise grievance *inter-alia* raised while challenging the impugned judgment of the learned Single Judge is that the judgment proceeds on the basis of certain instructions but actually those instructions stood superseded and the fact of that supersession was in the exclusive knowledge of the respondents and it came in the knowledge of the appellant only after the decision of the case.

2 In view of this factual matrix, one option would be that this Bench takes up these issues in appeal itself and decide the whole issue on merits or, since as per the appellant the subsequent instructions were not placed before the learned Single Judge and the fact that respondents had themselves issued NOC to other similarly situated persons as the appellant, we can relegate the appellant to move a review application before the learned Single Judge so that the learned Single Judge can opine on the applicability of the subsequent instructions and the plea of

discrimination which have been raised by the appellant herein and on the issue whether these two facts would supervene the factors which influenced the learned Single Judge.

3 Learned Senior Counsel for the appellant has stated that he would have no objection in following the second option and prayed that sometime be granted to the appellant to file a review application and till then the interim order originally passed in the writ petition on 02.09.2019 be continued to operate.

4 We find this to be a fair request. In the circumstances, it is directed that the appellant shall file a review application complete in all respects on or before 23.04.2021 and in case that is so done, the interim order dated 02.09.2019 shall continue to operate till such time as the learned Single Judge has an occasion to deal with the review application.

5 Appeal stands disposed of.

6 Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

08.04.2021

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No