

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

LPA-368-2021 (O&M)

Date of decision: 08.04.2021

BBMB and others

...Appellants

Versus

Sandeep Kumar and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr.Amar Vivek, Advocate for the appellants

Mr.SS Rana, Advocate for the respondents

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

CM-961-LPA-2021

The present application under Order 41 Rule 27 read with Section 151 CPC has been filed for placing on record written statement filed by the appellants in response to CWP-14259-2020, alongwith Annexures A-3 and A-4.

Heard.

No case for allowing the application for leading additional evidence is made out.

Dismissed.

LPA-368-2021

The present Letters Patent Appeal has been filed against the interlocutory *ex-parte* orders dated 15.2.2021, 25.2.2021 and 4.3.2021 passed by learned Single Judge, vide which interim relief of *status quo* has been granted in favour of the respondents.

The factual matrix of the case is that earlier incumbent Chief Engineer of the appellants had passed ante-dated controversial orders dated 25.5.2018 & 31.5.2018 (Annexures P15 & P16) just a few days prior to his retirement on 31.5.2021, whereby 59 employees were given promotion, by issuing a fictitious tentative seniority list dated 9.5.2018 (Annexure P14), wherein 30 days time was afforded for filing of objections. However, without giving adequate circulation to the said tentative seniority list, prior to the stipulated period, the authority had passed the wrong and erroneous orders dated 25.5.2018 & 31.5.2018 (Annexures P15 & P-16).

Learned counsel for the appellants states that the learned Single Judge had allowed interim relief only on the statement of the learned counsel for the respondents (petitioners in writ petition) and no opportunity was granted to the appellants to file reply. In fact, learned senior counsel for the petitioners (respondents herein) had made blatantly incorrect statement to secure interim relief dated 15.2.2021 by making a totally false declaration that advance copy of the writ petition had already been served to the official respondents through email,

which was duly delivered. The apology tendered by learned counsel for the petitioners in the writ petition before the learned Single Judge on 25.2.2021 was accepted without affording an opportunity of refuting the same. The continuation of interim order dated 15.2.2021 by the learned Single Judge vide order dated 4.3.2021, on the application moved by the writ petitioners till 11.8.2021, the date already fixed in the main case, without deciding the application for vacation of stay filed by the appellants, is unjustified and illegal.

Heard.

In the instant appeal, the appellants have laid challenge to the interim orders dated 15.2.2021, 25.2.2021 and 4.3.2021 passed by learned Single Judge in the writ petition, which is pending adjudication for 11.8.2021.

The impugned orders dated 15.2.2021, 25.2.2021 and 4.3.2021 read thus:-

15.2.2021

“CWP No. 3510 of 2021

**SANDEEP KUMAR AND OTHERS VS BBMB
AND OTHERS**

Present : Mr. D. V. Sharma, Senior Advocate with
Mr. S.S. Rana, Advocate, for the petitioners.

“Notice of motion for 25.02.2021.

On query of the Court, learned senior counsel submits that counsel for the petitioners has already served an advance copy of the petition to the official

respondents through e-mail which has been duly delivered. However, none appears for them.

Let a copy of the petition be also served on the nominated counsel for the respondents.

To be heard with CWP No. 14259 of 2020.

In the meanwhile, status-quo with regard to services of the petitioner shall be maintained till the next date of hearing.

FEBRUARY 15, 2021
Shalini

(ARUN MONGA)
JUDGE”

25.2.2021

CM Nos.3085 & 3143-CWP of 2021 in/and
CWP No.3510 of 2021

**SANDEEP KUMAR AND OTHERS VS BHAKRA
BEAS MANAGEMENT BOARD AND OTHERS**

Present: Mr. Dharam Vir Sharma, Senior
Advocate with Mr. Suram Singh Rana,
Advocate, for the petitioners.

Mr. Amar Vivek Aggarwal, Advocate,
for the respondents.

CM-3143-CWP-2021

Allowed as prayed for.

Apology is accepted.

CM-3085-CWP-2021

This application has been filed by the applicant-respondents for vacation of the ex parte interim stay order dated 15.02.2021.

Notice of motion.

Mr. Suram Singh Rana, Advocate accepts notice on behalf of non-applicant-petitioners and waives

service. He seeks time to file his reply.

Adjourned to 11.08.2021.

CWP-3510-2021

Adjourned to 11.08.2021.

To be heard along with CWP No.1970 of 2020.

February 25, 2021
Ankur

(SUDHIR MITTAL)
JUDGE”

04.03.2021

CM-3655-CWP-2021 in CWP-3510-2021

**SANDEEP KUMAR AND ORS V/S BHAKRA
BEAS MANAGEMENT BOARD AND ORS**

Present:- Mr. D.V. Sharma, Sr. Advocate with
Mr. S.S. Rana, Advocate, for the
applicants.

This application has been filed for extension of
interim order dated 15.2.2021.

Notice of motion.

Mr. A.V. Aggarwal, Advocate, accepts notice on
behalf of the respondents and waives service and
seeks time to respond.

Adjourned to 11.8.2021.

Meanwhile, interim order dated 15.2.2021 shall
continue.

(SUDHIR MITTAL)
JUDGE

04.03.2021
Ramandeep Singh”

In the writ petition before the learned Single Judge,
the appellants have not filed reply. Instead of filing the reply, the

appellants preferred to move application for vacation of *ex-parte* interim order dated 15.2.2021. The appellants ought to have filed their reply alongwith the said application for vacation of interim order. Keeping in view the situation and the constraints operating upon working of all institutions including the Courts due to Covid-19 pandemic, the next date also cannot be said to be alarmingly long. We do not find any illegality or irregularity much less perversity in the impugned orders passed by the learned Single Judge warranting interference by this Court. We feel that at this stage, the present appeal is premature and misconceived. Therefore, the same is dismissed with costs of Rs.25,000/- to be deposited with Punjab & Haryana High Court Bar Association Advocates' Welfare Fund within eight weeks from today.

Since, the main appeal has been dismissed, all pending applications including application for condonation of delay also stand dismissed.

[JITENDRA CHAUHAN]
JUDGE

[VIVEK PURI]
JUDGE

08.04.2021
gsv

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No