

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.946 of 2021

Date of Decision :06.10.2021

Anju Bala

.....Appellant

Versus

Panjab University, Chandigarh and another

..... Respondents

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

Present: Mr.Kehar Singh Hissowal, Advocate for the appellant.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This is an *intra Court* appeal under Clause-X of the Letters Patent against an interim/interlocutory order dated 06.09.2021, vide which two applications (CM No.12299-CWP of 2021 and CM No.12303-CWP of 2021) moved by the appellant (petitioner) praying to prepone the hearing in the main case and to stay the operation of the impugned order, have since been dismissed.

The appellant who was employed as attendant in Working Women Hostel, Panjab University, Chandigarh was relieved from duty vide order dated 31.07.2021 (Annexure P-7). Being aggrieved, she approached this Court, vide a CWP No.15892-2021, wherein on 19.08.2021, the learned Single Judge issued notice to the respondents for 17.02.2022. Whereafter, as indicated above, she moved two applications which were dismissed, vide impugned order dated 06.09.2021. For, no case was made out to prepone the hearing and as regards her prayer for stay as per her own case she had

already been relieved from service. Before we proceed any further we consider it expedient to refer to the decision rendered by the Supreme Court in **Midnapore Peoples' Cooperative Bank Limited and others Vs. Chunilal Nanda and others (2006) 5 SCC 399**, to examine if the appeal at hands would even be maintainable:

15. Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories:

(i) Orders which finally decide a question or issue in controversy in the main case.

(ii) Orders which finally decide an issue which materially and directly affects the final decision in the main case.

(iii) Orders which finally decide a collateral issue or question which is not the subject-matter of the main case.

(iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.

(v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties.

16. The term "judgment" occurring in clause 15 of the Letters Patent will take into its fold not only the judgments as defined in Section 2(9) CPC and orders enumerated in Order 43 Rule 1 CPC, but also other orders which, though may not finally and conclusively determine the rights of parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties. Interlocutory orders which fall under categories (i) to (iii) above, are, therefore, "judgments" for the purpose of filing appeals under the Letters Patent. On the other hand, orders falling under categories (iv) and (v) are not "judgments" for the purpose of filing appeals provided under the Letters Patent."

Ex facie, the order that is being assailed is interim/interlocutory in nature. It does not finally decide any question or issue in controversy in the main case either. Likewise, it does not finally decide any issue which materially and directly affects the final decision in the writ petition or even a collateral issue which does not form part of the subject matter of the

controversy. Thus, even if it is assumed that the impugned order has caused some inconvenience or prejudice to the appellant but it does not finally determine the rights and obligations of the parties. Thus, the present appeal under Clause-X of the Letters Patent, is not maintainable.

Even otherwise, the grievance being expressed by the appellant is wholly misplaced. The records show that as an interim relief in the writ petition she had prayed for stay of the impugned order dated 31.07.2021 (Annexure P-7). However, the learned Single Judge only issued notice to the respondents, but, did not grant an ex parte interim stay. That being so, in the absence of any decisive change in the situation, there was hardly any occasion for the appellant to have still moved an application praying for the same relief. No doubt, the matter is posted for 17.02.2022, but it is equally true that notice to the respondents was issued in presence of the learned counsel who are yet to be served and cause appearance in the proceedings.

In the wake of the above, we are dissuaded to interfere with the impugned order dated 06.09.2021. The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

06.10.2021
ndj/Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No