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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 106/2021

GURU NANAK INSTITUTE OF MANAGEMENT AND
INFORMATION TECHNOLOGY AND ANR. Appellants

Through: Mr. Abhinash Kumar Mishra,
Advocate.

Versus

RAVLEEN KAUR & ANR. Respondents

Through: Mr. Anil Soni, Standing Counsel with
Mr. Devesh Dubey, Advocate for
AICTE
Mr. Rajat Aneja, Ms. Vandana Aneja
and Ms. Bhawana Pandey,
Advocates.

+ LPA 107/2021

GURU HARGOBIND INSTITUTE OF MANAGEMENT AND
INFORMATION TECHNOLOGY (GHIMIT) AND ANR.

..... Appellants

Through: Mr. Abhinash Kumar Mishra,
Advocate.

versus

BALBIR SINGH AND OTHERS Respondents

Through: Mr. Anil Soni, Standing Counsel with
Mr. Devesh Dubey, Advocate for
AICTE
Ms. Vandana Aneja and Ms.
Bhawana Pandey, Advocate.

+ LPA 108/2021

GURU NANAK INSTITUTE OF MANAGEMENT AND
INFORMATION TECHNOLOGY & ANR..... Appellants

Through: Mr. Abhinash Kumar Mishra,
Advocate.

versus
KAWALJEET SINGH AND OTHERS Respondents
Through: Mr. Anil Soni, Standing Counsel with
Mr. Devesh Dubey, Advocate for
AICTE
Ms. Vandana Aneja and Ms.
Bhawana Pandey, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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12.03.2021

[VIA VIDEO CONFERENCING]

C.M. No.9954/2021 (for exemption) in LPA No.106/2021

C.M. No.9959/2021 (for exemption) in LPA No.107/2021

C.M. No. 9962/2021 (for exemption) in LPA No.108/2021

1. Allowed, subject to just exceptions and as per extant rules.
2. The applications are disposed of.

LPA No.106/2021, C.M. No.9952/2021 (for stay) and C.M. No.9953/2021 (for condonation of delay of 161 days), LPA No.107/2021, C.M. No.9957/2021 (for stay) and C.M. No.9958/2021 (for condonation of delay of 161 days) & LPA No.108/2021, C.M. No.9960/2021 (for stay) and C.M. No.9961/2021 (for condonation of delay of 161 days)

3. These intra Court appeals impugn the orders dated 31st August, 2020 and 24th February, 2021 of the Single Judge in W.P. (C) Nos.3854/2020, 4058/2020 & 5025/2020 filed by the respondents.
4. Vide the order dated 31st August, 2020, the Single Judge, on a prima facie view of the matter, has observed that the contents of the affidavit filed by the appellants border on contempt of Court and vide the order dated 24th February, 2021, the Single Judge has observed that despite the orders of Court staying the layoff of the respondents herein, the appellants had not paid the salaries.

5. Neither of the two orders have a ring of finality, for these intra Court appeals to be maintainable thereagainst. A mere prima facie observation of a Judge, during the course of hearing, does not tantamount to a judgment against which an intra Court appeal will lie and similarly, an observation that the appellants herein had not paid the salaries despite the orders of the Court, is also without any factual basis or a reasoning and again in the nature of an observation and against which also an LPA would not lie. As far back as in *Shah Babulal Khimji Vs. Jayaben Kania* (1981) 4 SCC 8 it was held that only those orders would be regarded as ‘judgment’ which decide matters of moment or affect vital and valuable rights of the parties and which work serious injustice to the party concerned.

6. The orders impugned are in the nature of recording the contention of the counsels. For a Judge to pass an order, it has to be backed by reason and which do not exist in the impugned orders. Just like reasons distinguish flattery of sycophants and admiration of fools from commendation, so do reasons distinguish the outcome of a dispute from a judgment or order of the Court in a lis.

7. Rather, it is the case of the appellants and counsel for the appellants during the hearing also confirms, that the matters, on both the dates before the Single Judge, reached at the fag end of the day and there was no proper hearing.

8. In the aforesaid circumstances, we are of the view that it would not be appropriate for these LPAs to be entertained at this stage, particularly when the matters are listed before the Single Judge on 15th March, 2021 itself. If any judgment is rendered against the appellants, then the appellants would certainly be entitled to appeal, including on all the grounds as taken in these appeals.

9. We accordingly dispose of these appeals, requesting the Single Judge to, before passing the substantive orders, hear the counsel for the appellants, on 15th March, 2021 or on such other date as may be convenient to the Single Judge.

10. Though the counsel for the respondents appears and seeks a passover on account of non-availability of the arguing counsel but in view of the aforesaid, the need to await the arguing counsel for the respondents is not felt.

11. The appeals are disposed of.

RAJIV SAHAI ENDLAW, J

AMIT BANSAL, J

MARCH 12, 2021

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