

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

**LPA-222-2020 (O&M)
Decided on : 15.09.2022**

Rajpal Singh

... Appellant

Versus

Vice-Chancellor, Panjab University, Chandigarh and others

... Respondent

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE JAGMOHAN BANSAL**

Present: Mr. Shalender Mohan, Advocate for the appellant.

G.S. Sandhawalia, J. (Oral)

CM-600-LPA-2020

Application for condonation of delay of 67 days in filing the appeal has been filed.

In view of the averments made in the application, duly supported by affidavit of the appellant, the same is allowed. Delay of 67 days in filing the appeal is condoned.

CM stands disposed of.

CM-601-LPA-2020

Exemption application is allowed, as prayed for.

CM stands disposed of.

LPA-222-2020

The present letters patent appeal is directed against the order of the learned Single Judge dated 10.09.2019 passed in **CWP No.19070 of 2019 ‘Rajpal Singh Vs. Vice Chancellor, Panjab University, Chandigarh and others’**, whereby the writ petition filed by the appellant had been dismissed.

Prayer had been made by the appellant to reimburse the full/differential amount of Leave Travel Concession (LTC). It was noticed by the learned Single Judge that an order dated 05.09.2018 (Annexure P-9) had been passed by the Registrar of the University, wherein it was held that reimbursement was restricted to the entitlement of S&T Economy Classes and not for other sub-categories. If the case of the writ petitioner was considered for allowing other sub-categories, then it would amount to discrimination among the similarly situated employees. Therefore, keeping in view the Rule 1.64(b) contained in Panjab University Calendar, Vol.III (2016) page 175 and Rule 1.71 (V) page 182, respectively, the request as such to claim full reimbursement was rejected.

Learned Single Judge noticed that the said decision has never been impugned in the writ petition, though apparently attached as noticed above. The claim was for differential amount for travelling from Kolkata to Port Blair and back, whereby a sum of Rs.45,412/- was not paid to him.

It is settled principle that a writ of mandamus is only liable to be issued when there is a legal right as such for enforcement of the same, in case of the authorities not adhering to the said legal right. In the absence of any such legal right having been pointed out that the entitlement of the appellant was over and above than what had been paid, we are of the considered opinion that the writ petition itself would not lie in the form as filed. Even otherwise as noticed above, the order dated 05.09.2018 (Annexure P-9) was never challenged in the writ petition to show that it suffered from any infirmity and was against the University Calendar. In the absence of any infirmity, order passed by the Registrar

dehors the rules, we are of the considered opinion that the learned Single

Judge was well justified in dismissing the writ petition. Resultantly, there is no merit in the present letters patent appeal and the same is dismissed.

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(G.S. SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

15.09.2022
Naveen

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No