

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

LPA-437-2022 (O&M)

Date of decision : 30.05.2022

Dr. Sangita Bhalla

.....Appellant

Versus

State of Punjab and others

....Respondents

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

Present: Mr. Sameer Sachdeva, Advocate,
for the appellant.

Mr. Avinit Avasthi, Asst. Advocate General, Punjab.

Mr. Arun Gosain, Senior Panel Counsel, UOI.

Mr. Mayank Sharma, Advocate,
for respondent No.4 – UT Chandigarh.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This appeal has been filed by the appellant being aggrieved by the order dated 25.05.2022 passed by the learned Single Bench dismissing her application (CM-8005-CWP-2022 in CWP-10775-2022).

Vide the impugned order, the learned Single Bench refused to grant interim protection sought by the appellant to continue in service in the same terms as in all other connected CWPs and LPAs (Main case being LPA No. 1505 of 2016). The learned Single Bench observed that since the statutory age of retirement as per the Panjab University Calendar/Rules applicable to the teachers of the respondent – University is 60 years, therefore, no ground was made out to grant interim order in favour of the appellant.

When confronted with the issue of maintainability of this appeal in view of decision of the Supreme Court in ***Midnapore Peoples' Cooperative Bank Limited and others Vs. Chunilal Nanda and others (2006) 5 SCC 399***, learned counsel for the appellant submits that in certain other cases pending before the Division Bench, interim orders have been passed, therefore, the present case is required to be treated at par with those cases.

Learned counsel for the respondents, on the contrary, submit that all the other cases that have been entertained by the Division Bench are appeals against final orders passed by the Single Bench and that the order impugned in this appeal is purely an interlocutory order, which has not decided any of the rights or issues raised by the appellant, that can even now be raised by her before the learned Single Bench. It is further submitted that these issues will be decided by the Court at the time of final adjudication of the matter after considering all the issues raised by the appellant in support of her submissions. And the matter is posted for 30.08.2022 before the learned Single Judge. It is also submitted that in the instant case, vide the impugned order the learned Single Bench has only dismissed the application seeking interim relief, which is not appealable in view of the decision of the Supreme Court in ***Midnapore Peoples' Cooperative Bank Limited's case*** (supra).

Having heard learned counsel for the parties, we are of the considered opinion that the impugned order is only an interim order, which has been passed keeping in view the statutory provisions of the Panjab University Calendar/Rules, which prescribe the age of superannuation as 60 years. The question as to whether the appellant is entitled to continue in service beyond the age of 60 years is still open for

being considered and adjudicated by the learned Single Judge. It is also evident that claim of the appellant to continue in service, if allowed by the learned Single Bench, would also enable and entitle her to claim other consequential benefits and reliefs, which would also be considered by the learned Single Judge at the time of final adjudication of the matter.

In these circumstances, in the light of the law laid down by the Supreme Court in *Midnapore Peoples’ Cooperative Bank Limited’s case* (supra), we are not inclined to entertain this appeal.

Dismissed.

Since the appeal itself has been dismissed, no orders are required to be passed in CM-1060-LPA-2022.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 30, 2022
ndj

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