

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

**LPA-1128-2019 (O&M)
Decided on : 29.08.2022**

State of Haryana & others

.....Appellant(s)

Versus

Anil Kumar & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. Ankur Mittal, Addl. AG, Haryana
Mr.Samarth Mago, AAG, Haryana
Ms.Kushaldeep Manchanda, Advocate, for the appellants.

Mr. Ajay Chaudhary, Advocate, for the respondents.

G.S. Sandhawalia, J. (Oral)

Challenge in the present Letters Patent Appeal, filed by the State, is to the interim order dated 10.05.2019 whereby while issuing notice of motion, interim directions were issued to consider the case of the writ petitioners for regularization, keeping in view the judgment passed in CWP-14980-2017 titled *Pala Ram Vs. State of Haryana & others* on 25.10.2018 (Annexure P-8). The said exercise was to be done without taking into account the eligibility qualification, non-availability of sanctioned post and any break in service. The case was ordered to be heard with CWP-11497-2019.

Keeping in view the fact that the factual aspect was not clear before the learned Single Judge as the reply by the State was not there, we are of the considered opinion that the said order would amount to practically allowing the writ petition. The same was not liable to be done in the absence of the pleadings as the defence of the State was yet to be examined and it would amount to the State being condemned unheard. Counsel for the private-respondents is also not able to justify the order of the learned Single Judge.

Accordingly, the present appeal is allowed and the order dated 10.05.2019 is set aside and the writ petition is restored to its original number.

To be listed on 22.11.2022 alongwith CWP-11497-2019.

State shall complete the pleadings before the learned Single Judge. Needless to say that we have not observed upon the merits of the case in any manner and the learned Single Judge shall proceed to decide the case after the pleadings are complete.

(G.S. SANDHAWALIA)
JUDGE

August 29, 2022
sailesh

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No