

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

CMs-1339-40-LPA-2022 in/and LPA-587-2022 (O&M)

Date of decision : 19.07.2022

Narender Singh and another

.....Appellants

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Ramesh Goyat, Advocate,
for the appellants.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

CM-1339-LPA-2022

For the reasons stated in the application, duly supported by
an affidavit, permission is granted to the applicants to file the LPA.

Application is, accordingly, allowed.

CM-1340-LPA-2022

For the reasons stated in the application, duly supported by
an affidavit, delay of 487 days in filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-587-2022 (O&M)

This appeal has been filed by the appellants being aggrieved
by an interim order dated 12.02.2021 passed by the learned Single Bench
in CWP-2243-2021.

At the very outset, it is noted that the appellants are not party to CWP-2243-2021. However, since vide the impugned order dated 12.02.2021, further promotions in all Sugar Mills in the State of Haryana were stayed, without either the Sugar Mills or the effected persons being impleaded as a party and without there being any prayer in that regard in the writ petition, therefore, by enlarging the scope of the petition, appellants No.1 and 2 filed CM-15450-CWP-2021 and CM-467-CWP-2022 for impleading them as respondent; CM-15453-CWP-2021 and CM-468-CWP-2022 for pre-ponement of the writ petition; and CM-15455-CWP-2021 and CM-470-CWP-2022 for vacation of stay order dated 12.02.2021.

It is, however, noted on perusal of the impugned order dated 12.02.2021, that the interim stay granted by the learned Single Bench was till the next date of hearing i.e. 20.05.2021. The subsequent orders passed by the learned Single Bench in the writ petition indicate that the interim order was not continued on 20.05.2021 or on any other subsequent order, when the petition was listed, nor any order was passed in CMs filed by the appellants seeking their impleadment and vacation of stay. It is stated that several other persons have filed identical applications on account of general and omnibus order passed by the learned Single Bench on 12.02.2021, as they were directly affected by the same without being party to the lis. Be that as it may, on account of the fact that the interim order passed by the learned Single Bench on 12.02.2021 was to operate only till the next date of hearing i.e. 20.05.2021, and thereafter, no order being passed by the learned Single Bench continuing the same, as on date

no interim order to the effect of staying of further promotions in all Sugar Mills in the State of Haryana is in existence, as well as keeping in mind the law laid down by the Supreme Court in *Midnapore Peoples’ Cooperative Bank Limited and others Vs. Chunilal Nanda and others (2006) 5 SCC 399*, we do not find any reason to entertain this appeal and dispose of the same with liberty to the appellants to seek pre-ponement of the writ petition and further orders on the interim order dated 12.02.2021 before the learned Single Bench, if so advised.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 19, 2022
ndj

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