

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

LPA-640-2022 (O&M)
Date of decision : 04.08.2022

Ajay and others

.....Appellants

Versus

Union of India and others

....Respondents

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

Present: Mr. Akshay Bhan, Senior Advocate, with
Mr. Amandeep Singh Talwar, Advocate, and
Mr. Abhijeet Singh Rawaley, Advocate,
for the appellants.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This intra-court appeal has been filed by the appellants being aggrieved by an order dated 19.07.2022 passed by the learned Single Bench in CWP No. 37892 of 2018, whereby the order dated 04.12.2019 has been modified in terms of the order dated 10.12.2021 passed by a Division Bench of this Court in CWP Nos. 27658 of 2019 and 23887 of 2021, ordering that recruitment, if any, made by the respondents, shall be subject to final decision of the writ petitions.

Learned Senior counsel for the appellants submits that vide order dated 04.12.2019, the learned Single Judge had ordered that selection process may go on, however, appointments shall not be made till further orders, whereas in terms of the order dated 10.12.2021 passed by the Division Bench in CWP Nos. 27658 of 2019 and 23887 of 2021, the order dated 04.12.2019 has been modified to make it subject to final

decision of the writ petition, which is substantially effecting the rights of the appellants.

At the very outset, this Court questioned the maintainability of the appeal on the basis of the judgment rendered by the Supreme Court in *Midnapore Peoples’ Cooperative Bank Limited and others Vs. Chunilal Nanda and others (2006) 5 SCC 399*. From a perusal of the judgment of the Supreme Court, wherein the law in respect of maintainability of an intra-court appeal against the interim order has been summarized, it is evident that at this stage, no effective/final decision has been taken by the learned Single Bench, deciding the rights of the appellants. Therefore, in terms of the law laid down by the Supreme Court [Para 15 (iv) and (v)] in the Supreme Court in *Midnapore Peoples’ Cooperative Bank Limited’s case* (supra), the instant appeal is not maintainable.

Appeal is, accordingly, dismissed, granting liberty to the appellants to take up all the issues before the learned Single Judge.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

August 04, 2022
ndj

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