

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

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**CM-3961 & 3962-LPA-2018 in/and
LPA-1441-2017
Decided on : 08.07.2022**

Prabandh Samiti of Arya Kanya Vidyalaya

.....Applicant/Appellant(s)

Versus

State of Punjab and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE B.S. WALIA**

Present: Mr. Pawan Kumar Mutneja, Senior Advocate with
Mr. Abhishek Jain, Advocate for the applicant/appellant.

G.S. Sandhawalia, J. (Oral)

CM-3962-LPA-2018 has been filed for restoration of the appeal, which was dismissed for non-prosecution on 27.04.2018 alongwith CM-3961-LPA-2018 for condonation of delay of 97 days in filing the restoration application. Both the applications are supported by affidavit of the counsel.

Keeping in view the above, we are of the considered opinion that case is made out as such for recalling of the said order. Accordingly, both the applications are allowed. Delay of 97 days in filing the application for restoration is condoned and the order dated 27.04.2018 is recalled and the appeal is restored to its original number.

CMs stand disposed of.

LPA-1441-2017

Vide order dated 06.05.2022, this Court had noticed that some amounts were not paid to the employee in question and in such circumstances the concerned official was asked to present to explain as to how an employee can deny the benefit of seniority and increment, if the management is ready to

give the same, irrespective of the fact that the employee is not ready to receive the same.

Affidavit on behalf Shri Vishav Bandhu Arya, Manager-cum-Secretary of the applicant/appellant, who is also present in the Court, has been filed, wherein the history of the litigation has been given and also the fact that there is a independent litigation before the Educational Tribunal and that as far as the present dispute is concerned the employee has been paid all her dues as per the judgment of the learned Single Judge.

Mr. Jain on instructions of the said official submits that keeping in view the fact that the private respondent has been reinstated in service since 2012 and is working for a decade, the appellant is not interested in pressing the appeal.

Accordingly, keeping in view the above, the present appeal is dismissed as not pressed.

(G.S. SANDHAWALIA)
JUDGE

July 08, 2022
Naveen

(B.S. WALIA)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No