

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

CMs-2451-LPA-2022 & 2453-LPA-2022 in/and
LPA-1021-2022 (O&M)

Date of decision : 16.11.2022

Union of India and another

.....Appellants

Versus

Jsspal Singh and others

....Respondents

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

Present: Mr. Mukul Aggarwal, Senior Panel Counsel, UOI,
for the appellants.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

CM-2453-LPA-2022

For the reasons set out in the application, delay of 4 days in
re-filing the appeal is condoned.

Application is, accordingly, allowed.

CM-2451-LPA-2022

For the reasons set out in the application, delay of 36 days in
filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-1021-2022 (O&M)

This appeal has been filed by the appellants (respondents
No.1 and 2 in the writ petition) being aggrieved by an interim order dated
26.07.2022 passed in CWP-15680-2022, whereby the learned Single
Bench directed the appellants to release the salary of respondent No.1
(petitioner in the writ petition), subject to decision of the writ petition.

Learned counsel for the appellants submits that the issue as to whether respondent No.1 remained absent unauthorisedly and whether he is entitled to be paid salary is still pending consideration in the writ petition, therefore, in such circumstances, the direction to the appellants vide the impugned order to pay salary to respondent No.1 for the period concerned, i.e. from the date, the interim order staying his transfer was passed, and upto date, amounts to allowing the petition at the interim stage itself, without adjudication of the matter on merits. He, however, fairly concedes that in view of the fact that a contempt petition has been filed by respondent No.1 in the connected matter and keeping in view the interim order passed in this case, the authorities have complied with the impugned order and released the salary to respondent No.1.

Having heard learned counsel for the appellants and in view of the facts of the case, we do not find any reason to entertain this appeal at this stage, as the issue as to whether respondent No.1 is entitled to any relief, or as to whether the salary released to him for the disputed period should be recovered from him or not, or should be adjusted in future salary, are the issues that need to be considered and decided by the learned Single Bench in the writ petition, as vide the impugned order, the salary of respondent No.1 has been directed to be paid subject to decision of the writ petition.

In such circumstances, the appeal filed by the appellants is disposed of permitting the appellants to take up all the issues and objections to the claim of respondent No.1 before the learned Single

Bench. Needless to say, that same would be considered and decided by the learned Single Judge in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

November 16, 2022
ndj

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