

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

RSA No.955 of 2000 (O&M)

Reserved on: 12.12.2023

Date of decision: 18.12.2023

O.P. Singhal

....Appellant

Versus

Regional Engineering College and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the appellant.

Mr. Amarjit Singh Virk, Advocate
for respondents No.1 and 2.

NAMIT KUMAR J. (Oral)

1. The instant regular second appeal has been preferred by the plaintiff – O.P. Singhal, challenging the judgment and decree dated 04.11.1999 passed by the learned Additional District Judge, Kurukshetra, in Civil Appeal No.199 of 1997 and Civil Appeal No.41 of 1998, whereby the judgment and decree dated 21.12.1996, passed by the learned Additional Civil Judge (Sr. Division), Kurukshetra, has been set-aside and consequently, the suit of the plaintiff has been dismissed.

2. Briefly stated, the facts of the case are that suit for declaration with consequential relief of mandatory injunction i.e. Civil Suit No.385 dated 02.02.1990 was preferred by the plaintiff – O.P. Singhal, against the Regional Engineering College, Kurukshetra and other defendants, claiming seniority over and above Dr. S.K. Verma and Dr. O.P. Vermani, by challenging the Notification dated 07.02.1989 and

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31.08.1989, whereby the seniority of the plaintiff as Assistant Professor in Chemistry Department at Serial No.3 was fixed. The suit filed by the plaintiff was decreed vide judgment and decree dated 21.12.1996, passed by the learned Additional Civil Judge (Sr. Division), Kurukshetra and the Notifications dated 07.02.1989; 31.08.1989 and 12.09.1989, were set-aside and the plaintiff was held entitled to seniority over and above defendants No.3 and 4 namely Dr. S.K. Verma and Dr. O.P. Vermani,.

3. Aggrieved against the said judgment and decree dated 21.12.1996, Dr. S.K. Verma and Dr. O.P. Vermani and Dr. S.B. Mal, all Assistant Professors, preferred a Civil Appeal No.199 of 1997, before the learned Additional District Judge, Kurukshetra. Another Civil Appeal No.41 of 1998, was preferred by the Regional Engineering College, Kurukshetra, against the said judgment and decree dated 21.12.1996.

4. Both the appeals were allowed by the learned Additional District Judge, Kurukshetra, vide judgment and decree dated 04.11.1999, reversing the findings recorded in the judgment and decree dated 21.12.1996 and consequently, the suit of the plaintiff was dismissed.

5. Aggrieved against the said judgment and decree dated 04.11.1999, passed by the learned Additional District Judge, Kurukshetra, the present appellant/plaintiff preferred the instant regular second appeal, which was admitted on 05.05.2000 and no stay was granted to the impugned judgment and decree dated 04.11.1999.

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6. Respondents No.5, 7, 9 to 14, 16 to 19 and 21, were deleted from the array of respondents vide order dated 15.05.2000.

7. The instant appeal came up for hearing before this Court on 28.11.2023, vide which the following order was passed:-

***“Present : Mr. Shubham Saroha, Advocate
for Mr. S.P. Laler, Advocate
for the appellant.***

None for respondents No.1 and 2.

***Respondents No.5, 7, 9 to 14, 16 to 19
and 21 had been deleted vide order
dated 15.05.2000.***

***Learned counsel appearing for the appellant
seeks an adjournment to address argument.***

***There is no representation on behalf of
learned counsel for the respondents No.1 and 2.***

***In the interest of justice, case is adjourned to
12.12.2023.***

***The Registry is directed to inform about the
next date of hearing to Mr. Amarjit Singh Virk, Advocate
for the respondents No.1 and 2.***

***It is made clear that no further adjournment
shall be granted in the case.”***

8. No one appeared on behalf of the appellant. Mr. Amarjit Singh Virk, Advocate, counsel for respondents No.1 and 2 submitted that the plaintiff – O.P. Singhal and defendants No.3 and 4 namely S.K. Verma and O.P. Vermani, all retired on 04.07.2001, 04.09.2001 and 30.12.2003, respectively, on attaining the age of superannuation of 60 years and since the *lis* in the present appeal relates to the *inter se*

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seniority, nothing further survives in the present appeal in view of their superannuation from service.

9. Since the appellant and respondents No.3 and 4, have already retired from service on attaining the age of superannuation and the present *lis* relates to *inter se* seniority, therefore, the relief claimed in the case has become inconsequential and therefore, the instant appeal is disposed of accordingly.

(NAMIT KUMAR)
JUDGE

18.12.2023

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