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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

201

RSA-373-1994

Date of decision:28.02.2024

PUNJABI UNIVERSITY PATIALA

... APPELLANT

VS.

NARESH KUMAR SHARMA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Singh Sethi, Advocate for the appellant.

Mr. M.S. Joshi, Advocate
for the respondent.

SUVIR SEHGAL J. (ORAL)

1. Defendant-appellant is in second appeal before this Court assailing the judgment and decree dated 12.01.1993 passed by the First Appellate Court.

2. Facts, in brief, may be noticed.

3. Naresh Kumar Sharma, plaintiff-respondent had filed a suit for declaration to the effect that Syndicate decision dated 25.02.1984 reducing his pay scale is illegal, null and void and that he be deemed to be treated and declared to be continuing as a Library Assistant in the service of the defendant and drawing emoluments in the UGC revised pay scale for all intents and purposes.

4. Upon contest by the defendant, the suit was dismissed by the Trial Court, however, the judgment and decree was reversed by the First Appellate Court.

5. Counsel for the respondent has placed on record a xerox copy of vernacular and translated order bearing No.27514/Estt.S.II dated 27.11.2001, which is reproduced as under:-

“Office Order

In view of the decision of the Hon'ble Punjab and Haryana High Court, Chandigarh in Writ Petition No.11955/2001, as per orders of Vice Chancellor with hope of approval from the Syndicate, Shri Naresh Kumar Sharma, library Assistant (Grade 5800-9200) Chemistry Department is given designation of Assistant Librarian from dated 21.8.1997 in the pay scale of Rs.8000-13500 (UGC). It is made clear here that there will be no change in the conditions of his present work and he will do the same duties as he was doing earlier before giving him the revised pay scale.

Sd/-

*Deputy Registrar, Establishment
for Registrar.”*

6. Counsel for the respondent submits that it is clear from the above office order that the respondent has been given the designation of Assistant Librarian and the present appeal has become infructuous. He further states that the respondent has retired from service and has unfortunately expired during the pendency of the instant appeal.

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7. Counsel for the appellant is not in a position to dispute the above development.
8. In view of the above, this Court is of the view that the appeal has become infructuous.
9. Dismissed as having been rendered infructuous.
10. Pending application(s), if any, shall stand disposed of.

28.02.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No