

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

LPA-822-2021 (O&M)
Decided on : 30.04.2024

Gagan Goklaney

.....Appellant(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Mr. Padamkant Dwivedi, Advocate for the appellant (s).

Mr. Saurav Khurana, Addl. AG, Punjab.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-2025-LPA-2021

Application for condonation of delay of 16 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 16 days in filing the appeal is condoned.

CM stands disposed of.

LPA-822-2021 (O&M)

Consideration in the present letters patent appeal is sought of the order of the learned Single Judge dated 27.01.2020 passed in CWP No.9647 of 2015, whereby the learned Single Judge had not interfered in the order dated 01.12.2014 (Annexure P-11) passed by respondent No.1 wherein the respondent No.4 was given preference in the sports quota and held entitled for appointment to the post of Assistant District Attorney.

2. It is not disputed that said appointments were not in the regular cadre, but were on contractual basis and the dispute as such is qua Advertisement dated 15/17.10.2009 regarding the fact that as to who was to be given preference on the strength of sports gradation and the policy in question.

3. Today, we are informed that respondent No.4's contract has expired on 31.03.2023 and he is no longer in service. Rather he has **filed CWP No.8027 of 2018 'Amit Ohri Vs. State of Punjab and others'** praying for regularization of service and to pay equal emoluments. The said writ petition was disposed of on 25.04.2024 with the directions to the respondents to decide his claim. Copy of the order dated 10.05.2022 whereby his services have been dispensed with has been placed on record.

4. In such circumstances, we are of the considered opinion that it is only an academic exercise now whether he was given preference rightly or wrongly. The contract having come to an end, the appellant would have no such right to claim appointment qua the said respondent. Accordingly, the present appeal is disposed of as having been rendered infructuous. However, liberty is given to revive the same, in case benefit of regularization is granted to the private respondents.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

30.04.2024
Naveen

Whether speaking/reasoned : Yes
Whether Reportable : No