

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

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2024:PHHC:047439-DB

LPA-883-2024 (O & M)
Date of Decision: 08.04.2024

State of Haryana and another

.....Appellant(s)

Versus

Ram Karan and others

....Respondent(s)

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

Present: Ms. Shruti Jain Goyal, Sr. DAG, Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

Delay Applications

1. Applications for condonation of delay of 17/18 days in filing the appeals are allowed, in view of averments made in the applications supported by affidavits of the official of the appellant-State.
2. Delay condoned.
3. CMs stand disposed of.

Main Cases

4. The present order shall dispose of three letter patent appeals i.e. LPA Nos.883, 884 and 885 of 2024 as all the appeals arise out of the common impugned interim order dated 16.02.2024 passed by the learned Single Judge in CWP No.26380-2021. The learned Single Judge was also hearing CWP Nos.10594 and 6186 of 2019 when he passed the interim order. For reference, ***LPA-883-2024, State of Haryana and another vs. Ram Karan and others*** is being taken up.
5. Vide the impugned order, directions had been issued that Vikram Singh, the petitioner in CWP-10594-2019 and Rishi, petitioner No.2 in CWP-

appointment letters within a period of two weeks so that they were able to discharge their duties as Sub Inspectors, subject to the final decision of the writ petitions.

6. The reasoning which weighed with the learned Single Judge to pass the impugned order while adjourning the case for 21.05.2024, apparently, is that the said persons, in spite of being recommended by the respondent-Authority and being higher in merit, had not been issued appointment letters without any fault of theirs.

7. Counsel for the State, as such, has solely argued that there are five candidates namely Ram Karan, Raman Chandel, Kapil, Sachin and Parmod, who are petitioners in CWP-26380-2021, occupying the posts and they have got *status quo* order and therefore, sufficient number of posts are not available.

8. We are of the considered opinion that the impugned order is only an interim order to protect the interest of the candidates who are higher in merit and, therefore, the learned Single Judge has exercised his discretion as such to make an interim arrangement as the litigation can swell over a substantial period of time. Only after finding merit in their case as such regarding the right of the said persons, directions have been issued to be considered for appointment subject to the final decision of the writ petitions.

9. In such circumstances, we are of the considered opinion that it is apparent that it is only an interim order to work out the exigencies of the situation on account of the litigation which can be delayed and, therefore, no fault can be found in the impugned order. Even otherwise, we are of the considered opinion that the law is settled in this regard in ***Midnapore People's Co-operative Bank Ltd., and others vs. Chunilal Nanda and others, (2006) 5 SCC 399*** regarding the non maintainability of the appeal also.

appeals, which are also barred by 17/18 days in filing the same, which we condone but the present appeals stand dismissed. It is, however, made clear that we have not observed on the merits of the case and the present order is being passed only for the purposes of upholding the interim order at this point of time.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

08.04.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No