

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

LPA-916-2024

Date of decision : 16.04.2024

Simranjit Singh

.....Appellant

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. H.P.S. Sandhu, Advocate, for the appellant.
Mr. Salil Sabhlok, Senior DAG, Punjab.

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

1. The present appeal is directed against the interim order dated 18.03.2024, whereby the learned Single Judge has dismissed the application filed by the writ petitioner (appellant herein) for pre-poning the date of hearing in the main case (CWP-35336-2019).

2. Learned counsel for the appellant has vehemently submitted that the petition is pending since 2019, in which the pleadings are complete as such, and it has now been adjourned to 13.08.2024. He has also very fairly shown us the interim orders passed in the writ petition. As per the order dated 05.12.2019, there is already an interim order in favour of the writ petitioner to the effect that one post of Assistant Professor in Orthopedics (General category) has been ordered to be kept vacant, mainly on the ground that the change of selection criteria as such amounted to changing the rules after the game had begun.

3. We have also perused the further orders, which would go on to show that on 02.08.2023, 23.08.2023 and 31.08.2023, the petition was directed to be shown in the urgent list, keeping in view the urgency involved. The record was also examined by the learned Single Judge on 01.09.2023 and at

that point of time, apparently learned counsel for the writ petitioner had sought time to take instructions regarding impleading the concerned persons, who had been selected, as party to the writ petition. On 20.02.2024, learned State counsel had sought time to seek instructions and then the matter was adjourned to 13.08.2024.

4. Apparently, the efforts are being made by the learned Single Judge for expeditious disposal of the matter, and it is not disputed that the learned Single Judge is exclusively dealing with the service matters relating to the State of Punjab and has to cope with a heavy urgent list, coupled with the motion list, which is more voluminous than the urgent list. In such circumstances, we are of the considered opinion that no direction can be issued as such to the learned Single Judge, for expediting hearing of the case by pre-poning the same.

5. It is the matter of record also that the appeal itself would not be maintainable, in view of the law laid down by the Apex Court in ***Midnapore Peoples’ Coop. Bank Ltd. and others Vs. Chunilal Nanda and others, (2006) 5 Supreme Court Cases 399***, as no adverse order has been passed against the interest of the appellant – writ petitioner.

6. Resultantly, we dispose of the appeal as not maintainable.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(VIKAS SURI)
JUDGE

April 16, 2024
ndj

Whether speaking/reasoned	Yes
Whether reportable	No