

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113+115) LPA-1055-2024 (O&M)

Rakesh KumarAppellant(s)
Versus

Guru Jambheshwar University of Science & Technology, Hisar, Haryana
through its Registrar
.....Respondent(s)

(2) LPA-1059-2024 (O&M)

Rakesh KumarAppellant(s)
Versus

Guru Jambheshwar University of Science & Technology, Hisar, Haryana
through its Registrar
.....Respondent(s)

Decided on : 30.04.2024

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

Present: Mr.Saurabh Arora, Advocate, for the appellant.
Mr.Puneet Gupta, Advocate, for the respondent.

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

CM-2567-LPA-2024 in LPA-1055-2024
CM-2575-LPA-2024 in LPA-1059-2024

1. Exemption applications are allowed, as prayed for.
2. CMs stand disposed of.

CM-2566-LPA-2024 in LPA-1055-2024
CM-2574-LPA-2024 in LPA-1059-2024

3. Applications for condoning the delay of 6-34 days in filing the appeals are allowed in view of the averments made in the applications, duly supported by affidavit of appellant. Delay of 6-34 days in filing the appeals is hereby condoned.

4. CMs stand disposed of.

LPA-1055 & 1059-2024 (O&M)

5. Consideration in the present appeals is to the judgments dated 22.02.2024 passed by the Learned Single Judge in CWP-11988 & 13285-2017 whereby the writ petitions were dismissed in the absence of counsel for the writ petitioner.

6. The Learned Single Judge noticed that promotions had been withdrawn by the University as the instructions dated 16.03.2006 upon which the same had been granted was quashed by this Court in CWP-17280-2011 titled *Prem Kumar Verma & others Vs. State of Haryana*, decided on 07.08.2012. It was also noticed that there was a notification dated 26.03.2013 issued by the University that all the consequential benefits granted including promotion to the Scheduled Caste employees under the earlier instructions would be withdrawn. The said notification has not been challenged which was the reason for dismissal of the writ petitions. It was further noticed that the financial benefits on account of reversion would not be recovered. The challenge thus was to the order of reversion from the post of Superintendent and the re-fixation of seniority in the second writ petition bearing CWP-13285-2017.

7. Mr.Gupta has brought to our notice that after getting the interim order dated 26.05.2016, counsel for the writ petitioner was not putting in appearance and a short date was granted on 05.02.2024 and it was in such circumstances, the Learned Single Judge disposed of the writ petitions in the absence of the counsel since respondents were pressing for dismissal on account of the interim order operating. Mr.Gupta has also placed before us the order dated 24.04.2024 passed by the Registrar of the respondent-University whereby pursuant to the reversion to the post of

Deputy Superintendent w.e.f. 16.03.2006 for the purposes of seniority, it had been noticed that the appellant would be Deputy Superintendent w.e.f. 12.07.2005 to 21.03.2018 and as a Superintendent, he would be given the benefits from 22.03.2018 to till date. It is thus apparent that the financial recovery has already been protected which fact has also been noticed in the said letter. The appellant thus continued to be given the benefits of Superintendent but only from a different date.

8. Accordingly, we are of the considered opinion that no useful purpose would be served in dilating on the present issue as the interest of the appellant has been duly protected by the respondent-University since they are not making any recovery from him. Secondly, he has been granted the benefit of promotion though from a different date. The observations of the Learned Single Judge are based on factual matrix that the instructions had been quashed and the notification had been done by the University. Accordingly, in the absence of any challenge to the same, no fault can be found in the judgment passed by the Learned Single Judge dated 22.02.2024.

9. Resultantly, in view of the above discussion, the present appeals are hereby dismissed. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

30.04.2024
Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No