

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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LPA-1375-2024 (O&M)
Date of Decision: 03.09.2024.

Union Territory, Chandigarh and others ...Appellants.

Versus

Surender Kumar and anotherRespondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Sumeet Jain, Additional Standing Counsel
for the appellants-U.T., Chandigarh.

Mr. Kshitij Sharma, Advocate
for respondent No.1.

Mr. Sanjiv Ghai, Advocate and
Mr. P.S. Kaul, Advocate
for respondent No.2.

LISA GILL, J. (Oral)

1. Challenge in this appeal is to order dated 20.05.2024, whereby notice of motion was issued in CWP-11786 of 2024 filed by respondent No.1/ writ petitioner and operation of orders dated 29.04.2024, which are impugned in the writ petition, was stayed. Vide impugned order dated 29.04.2024 (Annexure P-19) attached with the writ petition, claim of writ petitioner seeking appointment to the post of Chief Accountant Officer was rejected and vide order of even date (Annexure P-20), additional charge for the post of Municipal Chief Accountant/ Chief Accounts Officer, Municipal Corporation, Chandigarh was given to Mr. Suresh Kumar.

2. Aggrieved from the stay of operation of impugned orders, present appeal has been filed by U.T., Chandigarh, in which notice of motion was issued by Co-ordinate Bench of this Court on 30.05.2024, which reads as under:-

“Inter-alia submits that by virtue of interim order dated 20.05.2024 passed in Civil Writ Petition No.11786 of 2024, the learned Single Judge had stayed the order dated 29.04.2024 (Annexure P-19) vide which the Secretary, Chandigarh Administration had rejected the claim of the writ petitioner for the appointment/ promotion on the post of Municipal Chief Accountant. The order dated 29.04.2024 (Annexure P-20) passed by Finance Secretary, Chandigarh had also been stayed by the learned Single Judge whereby additional charge of the post of Municipal Chief Accountant/ Chief Accounts Officer of Municipal Corporation, Chandigarh had been assigned to Shri Suresh Kumar, Deputy Controller (F&A), Chandigarh.

It is submitted by learned Senior Standing Counsel for the appellants that there are certain administrative exigencies and by virtue of the said stay order passed by the learned Single Judge, the functioning of the Administration would be effected as there is no one as such to even pay the salary and the wages and the writ petitioner as such would also not be benefited from said stay order (Annexure P-20) and he would not even get the said charge as the same is the subject matter of the writ petition. It is submitted that an application for vacation of stay by the Municipal Corporation, Chandigarh has also been filed before the learned Single Judge which is now listed on 03.06.2024 during summer vacations.

In the circumstances, notice of motion be issued to the respondents. Mr. Naveen Bhardwaj, Advocate, accepts notice on behalf of respondent No.1 whereas Mr. Sanjiv Ghai, Advocate, accepts notice on behalf of respondent No.2.

In the meantime, it is open for the appellant-Union Territory, Chandigarh to give additional charge of the post to

some other officer so that functioning of the Municipal Corporation, Chandigarh, as such, is not affected. However, the appellant shall complete the pleadings before the learned Single Judge at the earliest.

Adjourned to 24.07.2024.

A copy of this order be given dasti to learned counsel for the parties.”

3. Learned counsel for respondent No.1 submits that there is no objection in case order dated 30.05.2024 is made absolute and writ petition which is listed for hearing on 21.10.2024 be decided.

4. Learned counsel for respondent No.2-Municipal Corporation, U.T., Chandigarh also does not have any objection if additional charge of the post in question is given to some other officer so that functioning of Municipal Corporation is not affected.

5. In this view of the matter, order dated 30.05.2024 is made absolute. Parties are at liberty to raise all pleas available to them before learned Single Bench in the pending writ petition.

6. Appeal is disposed of accordingly.

7. Pending application(s), if any, shall also stand disposed of.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

03.09.2024.

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No