

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

107/2

2024:PHHC:031103-DB

LPA-1918-2023 (O & M)
Date of Decision: 05.03.2024

S.P. Yadav

.....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. Ramesh Kumar, Advocate,
for the appellant.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Mr. Rajat Khanna, Advocate,
and Mr. Vishal Saini, Advocate,
for respondent Nos.2 to 4.

Mr. Vijay Pratap Singh, Advocate,
for respondent No.7.

Mr. Mrigank Sharma, Advocate,
for respondent No.8.

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

CM-4812-LPA-2023

1. Application for condonation of delay of 31 days in filing the appeal is allowed, in view of averments made in the application supported by affidavit of the appellant.

2. Delay condoned.

3. CM stands disposed of.

LPA-1918-2023

4. Consideration in the present letters patent appeal is to the judgment dated 20.09.2023 passed by the learned Single Judge in CWP-9006-2019 whereby, the writ petitioner has been relegated to the Educational Tribunal.

was raised in the writ petition regarding the appointment of the private respondents as Assistant Registrars. Further prayer made was for issuance of directions for conducting inquiry against erring officials and consider the writ petitioner for promotion as per his eligibility and entitlement since the junior most had already been promoted.

6. In such circumstances, we are of the considered opinion that it was a dispute which has wider ramification and it was not only with the Managing Committee. It is not disputed that a large number of cases as such were also decided by the learned Single Judge on the said date. It is also not disputed that no such objection was taken by the employer regarding the lack of jurisdiction or the alternative remedy as such. It is in such circumstances, counsel for the appellant is well justified to say that he was taken by surprise to the relegation to the Educational Tribunal.

7. Accordingly, in the facts and circumstances of the case, we are of the considered opinion that the order dated 20.09.2023 passed by the learned Single Judge is not liable to be maintained. Resultantly, we set aside the same and direct restoration of the writ petition before the learned Single Judge. Counsel for respondent No. 8 submits that he will complete his pleadings before the learned Single Judge at the earliest, which he is permitted to do so.

8. Appeal stands disposed of in the above terms.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

05.03.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No