



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

**CR-2012-2019 (O&M)
Date of Decision: December 12, 2025**

Dr.Rajbir Singh Gulia
...Petitioner

Versus

Maha Prabhu Ram Mulkh Hi-Tech Education Society and others
...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Anil Kumar Goyat, Advocate
for the petitioner.

None for respondent No.1, 3 and 4.

None for respondent No.2.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 10.09.2018 (Annexure P-3) passed by learned District Judge, Ambala, while exercising the power of Education Tribunal, Ambala.

In pursuance of the notice issued, respondent No.2 earlier made appearance through counsel. However, other respondents No.1, 3 and 4, had not made appearance, despite service. Subsequently, even counsel for respondent No.2 never appeared. As such, all the respondents are proceeded against ex-parte.

Counsel for the applicant heard.

During the pendency of the petition, filed at the instance of the petitioner, thereby, asserting his entitlement to the outstanding salary for the period from 09.01.2017 to 28.07.2017, amounting to Rs.6,08,796/-, notice was ordered to be issued to the respondents. Even, before the Court of District Judge, respondent No.2 had made appearance through counsel, whereas, respondents No.3 and 4 were ex-parte. However, for the date, on which the impugned order was passed, notice was ordered to be issued to respondent No.1, but the same was not issued, as copies were not supplied. Thereupon, appeal was dismissed qua respondent No.1, for want of prosecution.

Being aggrieved, the petitioner has filed the present revision petition.

The impugned order dated 10.09.2018 is reproduced, as herein given:-

“Notice to respondent no.1 could again not be issued as the copies were not filed.

A perusal of the record shows that for the last three dates, the copies are not being filed as a result which notice is not being issued to respondent no.1.

In view of the above, the appeal is dismissed qua respondent no.1 for want of prosecution.

Learned counsel for respondent no.2 prays for some more time to file reply.

Adjourned to 12.10.2018 for the said purpose.”

Perusal of the aforesaid order reveals that on 10.09.2018, when the file was dealt with by the concerned Judge, it was observed that notice

was not issued, as the copies were not filed. Even, it was observed that for the last three dates, the copies were not filed, as a result whereof, notice was not issued. In these circumstances, the appeal was dismissed qua respondent No.1 for want of prosecution.

However, at the same time, it ought to be taken into consideration that counsel for the respondent No.2 had made a prayer for some more time to file reply and on this account, the case was adjourned further for 12.10.2018, for filing reply.

No doubt, there is lapse, on the part of the petitioner, in not complying with the order passed by the Court. This is also, so evident from the various zimini orders, which have been placed on record by counsel for the petitioner. On further query by the Court, it is also submitted that even at present, the said petition is pending before learned District Judge. The zimini orders of subsequent period, thereby, depicting about the pendency of the file, have also been produced by the counsel today.

Considering the fact of pendency of the appeal and also in the interest of justice, in the fitness of circumstances, more particularly, considering the case, still was to further continue, despite the lapse, on the part of the petitioner, it is appropriate to give one more opportunity to the petitioner to comply with the order, with regard to the service to be effected upon respondent No.1.

In the given circumstances, the present revision petition is allowed and the impugned order dated 10.09.2018, vis-a-vis, dismissal of the appeal, qua respondent No.1 for want of prosecution is hereby set aside.

On receipt of this order, on the next date, the Court concerned shall provide

one opportunity to the petitioner to get the service effected upon respondent
No.1.

December 12, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No