



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

(1)

LPA No.1525 of 2019 (O&M)
Date of Decision: 02.05.2025

Jagbir Singh

.....Appellant.

Versus

Chaudhary Charan Singh Haryana Agricultural University,
Hisar and others

.....Respondents.

(2)

LPA No.1047 of 2021 (O&M)

Dr. Pratap Singh

.....Appellant.

Versus

Chaudhary Charan Singh Haryana Agricultural University,
Hisar and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. K.K. Gupta, Advocate
 for the appellant in LPA No.1525 of 2019.

 Mr. Y.P. Malik, Advocate
 for the appellant in LPA No.1047 of 2021.

 Mr. Shreenath A. Khemka, Advocate
 for the respondent-University in both the appeals.
 (through Video-Conferencing)

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Both these appeals assail the common judgment dated
05.02.2019 passed by the learned Single Judge in *CWP No.10718 of 1995*



titled as ***“Pratap Singh Vs. Chaudhary Charan Singh, Haryana Agricultural University at Hisar and others”*** and in the connected writ petition bearing ***CWP No.9400 of 1995*** titled as ***“Jagbir Singh Vs. Chaudhary Charan Singh, Haryana Agricultural University at Hisar and others”***, whereby the learned Single Judge has virtually allowed the petitions of the appellants and has given more than what was required. The observations made by the learned Single Judge in para Nos.9 and 10 are as under:-

“9.) Keeping in view the interest of justice and equity and without disturbing the equilibrium, suffice at this stage to observe, that the process adopted by the respondent-Chaudhary Charan Singh, Haryana Agricultural University, Hissar for selection was not as per the advertisement and the criteria, as originally prescribed. Consequently, respondent No.1 (Chaudhary Charan Singh, Haryana Agricultural University, Hissar) is directed to re-draw the merit list strictly according to criteria laid down in the advertisement as per the vacancy position reflected in affidavit dated 19.12.2017. It is made clear that in the event, it is found that marks awarded to respondent Nos.3 to 5 are disproportionate to their entitlement, they would be adjusted against the vacancies which are lying vacant, as reflected in the affidavit dated 19.12.2017. It is made clear that in the event petitioners' merit goes up and is decided favourably, they would not be entitled to any consequential pecuniary benefits other than notional fixation of their



seniority. Let the needful be done within a period of 3 months from the date of receipt of certified copy of this order.

10.) Disposed of.”

2. Be that as it may, the appellants are still unhappy. They want actual amount from the date the original appointments were made and the entire salary for the period from the year 1995 when the appointments were given to respondents No.3 to 5. The legal maxim “*actus curiae neminem gravabit*” has a direct application to the present case. The act of Court shall prejudice no one. The writ petitions were pending from 1995 and were disposed of on 05.02.2019, as noticed (*supra*).

3. The Court, thus, had no occasion to direct the petitioners to be appointed directly but only the merit-list was revised. On the basis of revised merit-list, the appellants were offered appointments from the said date. Thus, if they have been appointed from an earlier date, the only benefit which they could have been given was the notional fixation of salary apart from notional seniority. Granting them actual benefits would have resulted in double payment by the University as the University has already paid salary to the concerned respondents No.3 to 5 whose merit-list would be revised in terms of the judgment passed by the learned Single Judge.

4. We are also informed that as of now, the appellants have also retired. Thus, they have actually performed their duties only for a short period from 2019 till 2022. To give them actual benefits from earlier date



would be travesty of justice as the justice does not only mean relief to be given to the writ petitioners but also to have equal relief to one and all. In the present case, we do not find any reason to hold the University to be at fault and the entire case was a wrongful interpretation of the criteria laid down in the advertisement.

5. Be that as it may, there is no occasion to pay salary to the appellants after the directions to revise the merit-list. It is also noticed that the present LPAs preferred by the appellants are highly belated and even if the period of COVID-19 is excluded in ***LPA No.1047 of 2021***, still the appeals have been found to be highly belated. Without going into the said aspect, as we have reached to the conclusion that the actual benefits cannot be given, both the appeals are dismissed on merits as well as on delay.

6. Pending civil misc. applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

May 02, 2025
Yag Dutt

Whether speaking/reasoned: *Yes*
Whether Reportable: *Yes*