



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

LPA No.1193 of 2018 (O&M)

Date of Decision: 20.03.2025

Tilak Raj and another

...Appellants

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Viren Nehra, Advocate for
Mr. Sunil K. Nehra, Advocate
for the appellants.

Mr. Saurabh Mohunta, DAG, Haryana
for respondent No.1-State.

Mr. R.K. Malik, Senior Advocate with
Mr. Varun Veer Chauhan, Advocate
for respondents No.2 & 3.

None for respondents No.7 to 9.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. In spite of rejecting the prayer for adjournment and asking learned counsel appearing for the appellants to argue the case, he has refused to argue the matter. We even asked him to make call to his senior for which also he did not take any step.

2. The interim order dated 17.07.2018 passed by learned Single Judge is under challenge in this appeal. The order passed in the earlier writ petition bearing CWP No.13987 of 2006 was only to the extent to maintain status quo with regard to the status of the petitioner as it exists on that day.



Thus, there was no order staying further promotions on the post of the Deputy Superintendent which was allowed to be conducted. Learned Single Judge, therefore, after considering all the aspects, passed the following order:-

“ In my opinion, an order already having been passed by the Division Bench in CWP No.1398 of 2006 on August 10,2007, that all promotions would abide by the final decision in that writ petition, though of course that was at the stage of promotion of Clerks to Assistants and the present dispute is at the stage of promotion to the posts of Deputy Superintendents / Superintendents, the aforesaid order of this Court dated December 27, 2017, needs to be clarified to the extent that the promotions would be made as per the graduation / seniority list circulated (Annexures P-12, P-13 and P-13A), subject of course to final outcome of this petition.

Ordered according.”

3. The order is ad-interim by nature and the writ petition bearing CWP No.29325 of 2017 is pending. In our opinion, in such cases, where the writ petition is pending and the parties are before the Single Judge, LPA would not be maintainable unless the order is of such a nature which grants permanent final relief to any of the parties. The LPA is misconceived. The interim order passed by this Court dated 02.08.2018 was based only on a misrepresentative statement of the appellants. We, therefore, vacate our interim order dated 02.08.2018 and also consequently, dismiss this appeal with liberty to contest the writ petition before learned Single Judge. The parties to *lis* shall advance their arguments and we



request learned Single Judge to decide the case on merits without being influenced by our order.

4. All the pending miscellaneous applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

20.03.2025
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>