

2024:PHHC:077885-DB



Neutral Citation No.

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

(105)

LPA-1362-2024 (O&M)

Decided on : 30.05.2024

Shri Krishna Ayush University, Kurukshetra

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr.Bhuwan Vats, Advocate, for the appellant(s)
(through VC).

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. Consideration in the present appeal is to the interim order dated 10.10.2023 passed by the Learned Single Judge in CWP-22894-2023 by respondent No.4 in the said case.
2. The Learned Single Judge, while issuing notice of motion, issued interim directions while noting that order dated 25.08.2021 (Annexure P-2) has been stayed on 07.10.2021 in another petition filed by the writ petitioners (the private-respondents herein) bearing CWP-20458-2021 whereby order re-fixing the pay had been ordered. It was also observed that the entitlement of the writ petitioner to the second ACP grade would be subject to final outcome.
3. Apparently the matter is now fixed for 16.07.2024. During the course of arguments, it transpires that pleadings are also not complete before the Learned Single Judge, before challenging the said innocuous order which has been passed apparently on a factual matrix. We have also seen the earlier order dated 07.10.2021 which spells out the reasons why the order dated 25.08.2021 was stayed.

4. In such circumstances, we are of the considered opinion that the present appeal is not maintainable, in view of the law laid down by the Apex Court in **Midnapore Peoples' Cooperative Bank Ltd. & others Vs. Chunilal Nanda & others, (2006) 5 SCC 399**. Since pleadings are complete in the first writ petition i.e. CWP-20458-2021, appropriate application can always be filed before the Learned Single Judge for the relief which is now sought by filing the present appeal.

5. Keeping in view the above, we do not feel that it is a fit case even to condone the delay of 195 days which has occurred in filing the appeal which is hereby dismissed. Resultantly, the main appeal as well as all pending application(s) also stand dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

30.05.2024
Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No