

Punjab and Sind Bank and Others Vs P.C. Sood and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 3, 2010

Hon'ble Judges: Mehinder Singh Sullar, J; M.M. Kumar, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

M.M. Kumar, J.

The instant appeal filed under Clause X of the Letters Patent is directed against interlocutory order dated 26.7.2010, passed by the learned Single Judge granting interim relief to the petitioner-respondent.

2. It is not disputed that the petitioner-respondent was granted promotion vide order dated 16.2.2008 and he was required to join at the new

place of posting on the promoted post within 10 days. However, on 27.2.2008, his promotion order was cancelled. The learned Single Judge

while adjourning the case has directed the appellants to file affidavit along with policy guidelines stipulating the period of 10 days to join on a post

after promotion. The matter is now posted for hearing before the learned Single Judge for 9.9.2010.

3. Having heard learned Counsel for the appellants we are not inclined to interfere in the impugned order for variety of reasons. Firstly, the

promotion of the writ petitioner-respondent has been ordered by the appellants after examining all the aspects. The approach adopted by the

appellant shows inflexible attitude of intolerance of two days" delay in joining on a post after promotion has not been tolerated. The order

cancelling promotion has, therefore, been stayed by the learned Single Judge, which does not call for interference. Moreover, before the learned

Single Judge an affidavit along with the policy guidelines is yet to be filed. If the appellants still feel the necessity of seeking vacation of stay order

then it can easily file an appropriate application along with an affidavit even before the date fixed. There is no ground made out to interfere with the

interim order passed by the learned Single Judge, especially when the matter is live on the list and the same is posted for 9.9.2010. Therefore, the

appeal is liable to be dismissed.

4. For the reasons aforesaid, this appeal fails and the same is accordingly dismissed. However, we wish to clarify that any observation made in this

order shall not be construed as an expression of opinion on merit of the controversy and the learned Single Judge shall proceed with the case

without being influenced anything herein.