

2025:PHHC:046157-DB

LPA-1049-2025 (O&M)
Date of Decision: 04.04.2025

Subhash Chander Bhambhu and others ...Appellants

Vs.

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**Present: Mr. Adityajit Singh Chadha, Advocate for
Mr. D.S. Patwalia, Sr. Advocate for the appellants.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Recently a tendency has arisen before this Court wherein LPAs are being filed against innocuous orders passed by the learned Single Judge in pending writ petitions.

2. We have noticed that upon being confronted, the appeals are being withdrawn. In the present case, we find that the order challenged before us is an order rejecting the application filed by the appellants seeking prayer to stay the operation of order impugned before the learned Single Judge dated 19.01.2025 and 29.01.2025 and further to restrain the respondents from carrying out promotions from the post of Block Education Officer to Deputy District Education Officer and District Education Officer, during the pendency of the main writ petition.

3. We find that the appellants had challenged the aforesaid two orders in the writ petition and the Hon'ble Single Judge had issued notice of motion on 07.03.2025. Reply had not been filed and before the respondents could submit their response, an application was filed for seeking interim stay.

The learned Single Judge has, therefore, refused to entertain the application at that stage.

4. We are of the firm view that once the Court issues notice of motion, any orders to be passed of urgent nature can be in respect of any order which the respondents may issue after the notice of motion has been issued. However, for the orders which are under challenge and the Court has issued notice of motion, it is always appropriate to receive response/reply from the respondents and then examine the prayer for interim stay. We find that the course adopted by the learned Single Judge is, thus, in conformity with our view when he refused to entertain the application at that stage where there is no reply.

5. Learned counsel has also attempted to take us to the merits of the case. However, we would refrain ourselves from making any observations relating to the merits of the case as the writ petition is still pending before the learned Single Judge. Suffice it to note that the present appeal is in gross abuse and misuse of the process of law and accordingly the same is dismissed with costs of Rs.50,000/- to be deposited by the appellants with the High Court Legal Services Authority as tendency of filing such misconceived LPAs should be discouraged.

6. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

04.04.2025
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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No