

ITEM NO.4

COURT NO.13

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL)

Diary No(s).34284/2017

(Arising out of impugned final judgment and order dated 18-07-2017 in RSA No. 253/2008 passed by the High Court Of Punjab & Haryana At Chandigarh)

DR. S.K. JAIN

Petitioner(s)

VERSUS

DR. PURAN CHAND & ORS.

Respondent(s)

Date : 03-01-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Parveen Kumar Aggarwal, Adv.
Mr. Sanjay Jain, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

This Special Leave Petition has been filed against the judgment and order dated 18.7.2017 of the Punjab and Haryana High Court at Chandigarh rendered in RSA No.253 of 2008 filed by the petitioner, Dr.S.K.Jain. The said regular second appeal was filed questioning the judgment and decree of the Trial Court dated 20.4.2007. The Trial Court decreed the suit filed by the respondent. In para 25 while considering the relief, following orders were passed

by the Trial Court:

"The orders earlier passed by defendant No.1 regarding equivalence of above said degrees is hereby set aside. However, defendant No.4 shall continue to serve on the post which he is holding presently. Defendant No.1 is also directed not to cause any harm to the service benefits of defendant No.4 till the receipt of final decision by defendant No.3. Both the defendant Nos.1 and 3 are to decide the matter afresh as per the observations given above after giving proper hearing to the plaintiffs and defendant No.4. Defendant No.1 is required to obtain certified copies of this judgment. Written arguments submitted by both the parties and the exhibited documents produced in this case and to handover the same to defendant No.3 for deciding the matter as required above. The parties are left to bear their own costs. Decree sheet be prepared. File be consigned."

In the RSA in para 14 although the High Court has observed that the judgment and decree of the courts below deserves to be modified by holding that it would no longer be prudent or practical to keep the issue open forever and in a state of flux for a fresh visit on equivalence without any definitive and reliable material to conclude in favour of the defendant-appellant. The High Court ultimately held that there is no legal infirmity or perversity in the judgments and decrees of the courts below. Observations in para 14 can at best be read to mean that High Court is of the view that there was no definite and reliable material to conclude in favour of the appellant.

We are, thus, of the view that ultimate directions issued by the trial court have not been interfered and

future course of action has to be taken in accordance with the said directions.

We do not find any good ground to entertain this Special Leave Petition. The Special Leave Petition is, accordingly, dismissed with the above observations.

Pending application(s), if any, stand disposed of.

(B.Parvathi)
Court Master

(Renu Kapoor)
Branch Officer