

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

443

CWP No.13504 of 1998
Decided on : 14.01.2015

Prem Nath and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present : Mr.Balwinder Singh, Advocate
for the petitioners.

Mr.M.K.Sangwan, DAG, Haryana.

Rameshwar Singh Malik, J. (Oral)

Learned State counsel, at the very outset submits that this case is squarely covered against the petitioners by the judgment of this Court in Rohtash and others Vs. State of Haryana 2012(3) SCT, 161 wherein law laid down by the Division bench was reiterated.

Faced with the above, learned counsel for the petitioners could not deny the correctness of the statement made by learned State counsel and rightly so because it is a matter of record.

The relevant observations made by this Court in para No.4 of the judgment in Rohtash's case (supra) read as under:-

“4. The counsel for the respondents also brings to the notice of the Court that several other writ petitions filed by other employees of the same society seeking for grant of regular scales against the validity of the relevant rule providing for consolidated pay was repulsed by this Court in CWP No. 14244 of 1999 by a Division Bench. It is a proposition of law well recognized that if there are two contradictory judgments one following the other, the latter judgment shall prevail. This principle is applied between parties to both conflicting judgment. In this case, the Rules and the inapplicability of regular scales to certain classes of persons cannot be

circumvented by a resort to an earlier judgment that makes no reference to the Rules, for whatever reasons. This affords another weighty reason to deny to the petitioners the relief claimed by them through this writ petition.”

No other argument was raised.

In view of the above, the case having been found covered against the petitioner, the instant writ petition stands dismissed, however with no orders as to costs.

[Rameshwar Singh Malik]
Judge

14.01.2015
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