

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

LPA No. 106 of 2009 (O&M)
DATE OF DECISION : 10.09.2015

Punjab State Electricity Board and others

.... APPELLANTS

Versus

Sher Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Balwinder Singh, Advocate, for
Mr. Sanjeev Sharma, Advocate,
for the appellants.

Mr. K.G. Chaudhary, Advocate,
for respondents No.1,2,4,6,9,10,12,13,16,17 and 19.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed by the Punjab State Electricity Board and its officers against the order dated 19.09.2008 passed by the learned Single Judge, whereby the writ petition (CWP No. 6672 of 2008) filed by Sher Singh and others (respondents herein) was allowed in terms of the judgment rendered in CWP 15554 of 2007 (Gian Chand and others Versus State of Punjab and others, decided on 21.07.2008).

Against the decision in Gian Chand's case (supra), SLP (Civil) No. 25856 of 2008 was filed by the appellants. Earlier, the instant appeal was adjourned to await the decision in the said SLP. On August 17, 2015,

the Registry had listed this appeal for hearing stating that the aforesaid SLP has been decided by the Apex Court vide order dated 13.12.2012, copy of which was placed on record. Undisputedly, vide the order of the Apex Court, decision of this court rendered in CWP No. 15554 of 2007 was set aside and the matter was remanded. The said writ petition is pending before the learned Single Judge.

Learned counsel for the appellants states that in view of the aforesaid order dated 13.12.2012 passed by the Apex Court, this appeal may also be allowed and after setting aside the order passed by the learned Single Judge, the writ petition filed by the respondents be also remanded to the learned Single Judge and ordered to be heard with CWP No. 15554 of 2007.

The aforesaid factual position has not been disputed by learned counsel for the respondents.

In view of the above, the order dated 19.09.2008 passed by the learned Single Judge, allowing CWP No. 6672 of 2008 is set aside and the matter is remanded to the learned Single Judge to hear CWP No. 6672 of 2008 along with CWP No. 15554 of 2007.

Disposed of accordingly.

(SATISH KUMAR MITTAL)
JUDGE

September 10, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE