

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

**CWP No.26090 of 2013 (O&M)
Date of decision: 18.03.2015**

Rajpal ... Petitioner
Vs.

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. A.K.Bura, Advocate
for the petitioner.

Mr. Ravi Pratap Singh, AAG, Haryana.

AMIT RAWAL J. (ORAL)

Learned counsel for the petitioner has informed this Court that vide order dated 09.03.2015, relief of the petitioner has been granted to him. The entire amount of pensionary benefits after continuing service rendered by him on contract basis, has been paid.

Vide order dated 26.02.2015, this Court passed the following order:-

“Reply in the present petition has been filed by Partap Singh, HCS, General Manager, Haryana Roadways,

Narnaul contrary to the amendment carried out in Rule 3.17-A (f) (i) of Punjab Civil Service Rules vide notification dated 28.5.2014 w.e.f. 12.12.1997. This Court vide judgment in Joginder Singh v. State of Haryana, 1998 (1) SCT 795, had struck down the aforesaid provision. The aforesaid judgment was not being followed till date, as number of cases are coming before the Court seeking relief on the basis of that judgment. The Rules were made in consonance with the judgment in Joginder Singh's case (supra), only after contempt notice was issued to the officer concerned in CWP No.630 of 2013- Om Parkash v. State of Haryana and others, who issued instructions dated 17.3.2010 in terms of the Rule, which was struck down by this Court. It was thereafter that amendment in the Rules was carried out vide notification dated 28.5.2014 w.e.f. 12.12.1997. Despite this fact, still in the reply dated 11.8.2014 filed in the present case by Partap Singh, HCS, General Manager, Haryana Roadways, Narnaul, unamended rules have been referred to.

Learned counsel for the State seeks time to apprise the Court as to what action is proposed against the officer, who has filed the reply not only contrary to the judgment of this court but even referring to the unamended rules.

Adjourned to 13.3.2015.

To be shown in the urgent list.”

Mr. Pratap Singh, H.C.S., presently posted as Joint Commissioner, Municipal Corporation, Faridabad, is present in the Court today, in compliance of order dated 13.03.2015 and filed reply by way of affidavit on behalf of respondent No.3, to contend that the error/mistake only came to his notice on 13.03.2015 after this Court had passed the order on 26.02.2015 and at the time of filing of written statement on 11.08.2014, amendment dated 28.05.2014 was not within his knowledge and the amendment was caused in Volume 2 Rule 3.17A (f)(i) of Punjab Civil Service Rule vide notification dated 28.5.2014 w.e.f.12.12.1997 and instead of word 'half period', full period has been incorporated.

In the written statement filed by the respondents, a categorical stand has been taken that petitioner is entitled to benefit of half period and not of full period as amendment caused in the aforementioned Rules.

Mr. Pratap Singh, H.C.S, who is present in the Court, has tendered apology in the shape of affidavit dated 16.03.2015 to contend that error/mistake was neither intentional nor deliberate.

While accepting apology tendered by Mr. Pratap Singh, H.C.S, the present writ petition is disposed of, in view of the fact that relief sought has been granted to the petitioner. However, considering the fact that despite the judgment of this Court, avoidable

litigation was thrust upon low paid employee in the Department, he shall be entitled to costs of ₹ 20,000/- which shall be paid to the petitioner from the service account of Mr. Pratap Singh, H.C.S, within a period of one month from the receipt of a certified copy of this order.

Disposed of accordingly.

(AMIT RAWAL)
JUDGE

March 18, 2015
savita