

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1196 of 2015 (O&M)

Date of decision: December 14, 2015

State of Punjab and others

..... Appellants

Versus

Jarnail Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Ms. Munisha Gandhi, Additional AG, Punjab,
for the appellants.

Mr. H.K. Brinda, Advocate
for the respondent.

RAJIVE BHALLA, J. (ORAL)

CM-2548-LPA-2015

Prayer in this application is to condone the delay of 94 days in
filing the appeal.

Heard.

For the reasons stated in the application and arguments addressed,
the application is allowed and delay of 94 days in filing the appeal is condoned.

LPA No.1196 of 2015

The State of Punjab challenges interim order dated 10.04.2015
which reads as under:-

*“Learned counsel for the petitioner submits that the
petitioner retired from service in the year 2010 and his case is
squarely covered by decision in CWP No.2059 of 2011 (Annexure
P-6), whereby, direction was issued to the Respondents to consider
the claim of the petitioner in view of the judgment passed by the
Division Bench of this Court in Harbans Lal Vs. State of Punjab
(CWP No.2371 of 2010).*

Learned State counsel on instructions from Kulwinder Singh, Sr. Assistant, O/o Chief Engineering Works (Punjab) submits that the matter is still pending before Hon'ble the Apex Court and judgment passed by this Court has been stayed. Even in COCP, proceedings have also been stayed.

Learned counsel for the petitioner seeks time to get status of the SLP.

Adjourned to 23.04.2015.

Meanwhile, respondents are directed to release the provisional pension to the petitioner, which shall be subject to decision of this writ petition”.

Counsel for the respondent states that the Special Leave Petition had already been dismissed. Even the review petition filed by the State has been dismissed on 04.11.2015.

A photocopy of the order dismissing the petition for review has been produced by counsel for the respondent and is taken on record. A copy of the order has also been provided to counsel for the State of Punjab.

We have heard counsel for the parties. The only grievance urged, by counsel for the State of Punjab, was that though the Special Leave Petition, filed against the judgment in CWP No.2371 of 2010 has been dismissed, a review petition is pending.

Admittedly the review petition has been dismissed. The controversy has attained finality. The appeal is, therefore, dismissed but with liberty to the State to raise the plea of adjustment of the amount payable, before the learned Single Bench.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

December 14, 2015

Dinesh Bansal