

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.249 of 2015 (O&M)
Date of Decision: March 20, 2015

Ram Dutt

.....Appellant

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Mr.Munish Mittal, Advocate, for the appellant.
Mr.Naveen Kaushik, Advocate,
for respondent Nos.2 & 3.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

This letters patent appeal impugns the order dated 30.06.2014 whereby learned Single Judge has dismissed the appellant's writ petition in limine wherein he sought the benefit of work-charge service of almost 15 years rendered with Beas Construction Board towards retiral benefits after retiring on attaining the age of superannuation from erstwhile Haryana State Electricity Board (HSEB), now known as Haryana Vidyut Prasaran Nigam Limited.

The learned Single Judge has dismissed the appellant's writ petition primarily on account of the fact that he was engaged afresh in the erstwhile HSEB as a driver w.e.f. 08.02.1992. Such a view taken by the learned Single Judge may not be the correct statement of law in the light of catena of

decisions of this Court including Raja Ram Malik and another versus Haryana Vidyut Prasaran Nigam Limited 2008 (2) SCT 381 (D.B.). There are several other decisions like dated 05.04.2010 passed in CWP No.383 of 2007 (Smt.Salochan Devi versus State of Punjab and others, where similarly placed employees having been declared surplus in the Beas Construction Board were adjusted in the Punjab State Electricity Board or other Government agencies and they too have been held entitled to the benefit of service rendered in Beas Construction Board, towards retiral benefits.

It thus appears that the appellant's case requires consideration on merits, of-course, with an opportunity to the respondents to distinguish the above quoted principles or citations.

We, thus, without expressing any final views on merits, allow this appeal; set-aside the order passed by the learned Single Judge and remit the case to the learned Single Judge as per roster, to decide the same afresh after calling upon the respondents to file their reply-affidavit.

The parties shall appear before the learned Single Judge on 04.05.2015.

[SURYA KANT]
JUDGE

March 20, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.482 of 2015 in
LPA No.249 of 2015

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Ram Dutt versus State of Haryana and others

Present : Mr.Munish Mittal, Advocate,
for the applicant-appellant.
Mr.Naveen Kaushik, Advocate,
for respondent nos.2 & 3..

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For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and 9 days' delay
in filing the appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

March 20, 2015

mohinder

(P.B.BAJANTHRI)
JUDGE