

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

**CWP No.14308 of 1997**

**Date of Decision: 12.04.2016**

Sh. G.S. Sodhi

... Petitioner

Versus

The Union of India and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Arvind Seth, Advocate,  
for the petitioner.

Mr. Abhinav Gupta, Advocate,  
for the respondent-Union of India.

Mr. Vaibhav Sharma, DAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

**RAJIV NARAIN RAINA, J.(Oral)**

Challenge in this petition is to the order Annex P-8. In view of the orders passed by the Supreme Court on December 11, 1997 in SLP Nos.11259-64 and 13474-77 of 1995 no life is left in this petition for a revisit. Even the private respondent-3 in reply to para.5 of the petition has conceded that the impugned order (Annex P-8) was made subject to final outcome of the Special Leave Petition pending in the Supreme Court. The position at the time of filing of the instant petition was that in case the SLP filed by B.D. Gupta and B.S. Bajwa is dismissed then the impugned order itself would automatically also finish. Respondent-3 also conceded in his separate written statement that it is only in case the answering respondent

succeeds in the Special Leave Petition that the benefit would continue to flow and would become an accrued right. This has not happened with the dismissal of the SLP, and as a result this matter has been rendered infructuous. Nevertheless, a consequential declaration is issued to remove doubts that the impugned order dated January 24, 1997 (Annex P-8) is bad in the eyes of law and is not legally sustainable. It is, therefore, quashed by issuing a certiorari. Accordingly, the petition stands disposed of in favour of the petitioner and against the private respondent.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**12.04.2016**  
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