

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

Date of decision: 31.08.2016

CWP No.7569 of 1997

Geeta Sethi

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Ms. Shruti Jain Goel, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

Learned Single Judge of this Court (Ajay Tewari, J.) in Dr. Rita Gupta Vs. The State of Haryana & others [CWP No.2866 of 1998 (O&M) decided on 29.04.2015] has articulately dealt with the legal status following the decision in Dr. Romila Jain Vs. State of Haryana, 1995 (3) RSJ 807 [DB], as not a binding precedent in the light of the subsequent judgment of the Division Bench in R.P.Chillar & others Vs. State of Haryana & others [CWP No.3214 of 2002] on the question of break in previous service and not break between the closure of one private College and absorption in another Government College since the appeal carried to the Supreme Court against the order in R.P.Chillar's case i.e. Civil Appeal No.998 of 2005 decided on 10.03.2010, was disallowed on the moot point when the Supreme Court spoke the last word, observing: "*However, we make it clear that the impugned judgment and order of the High Court shall not be treated as a precedent*".

Consequently, the legal position presently obtaining will be governed as open issue since the judgment relied upon in the petition in Dr. Romila Jain's case can no longer be treated as a precedent on the point, in view of the observations made by the Supreme Court in R.P.Chillar's case occupying the same field of law. Therefore, the petitioner's request for counting of previous service for granting senior scale/selection grade based on length of service by clubbing the two periods and fixation of her pay accordingly is not legally tenable and deserves to be rejected.

As a consequence, the present petition is dismissed as devoid of merit.

31.08.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>