

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

Date of decision: 02.03.2016

CWP No.4225 of 2016

Santosh Kaur & others

...Petitioners

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Kapil Kakkar, Advocate, for the petitioners.

RAJIV NARAIN RAINA, J. (ORAL)

Mr. Kakkar relies on CWP No.21619 of 2013 titled 'Jaspreet Kaur & others Vs. State of Punjab & others' allowed on 17th February, 2016 and claims identical relief.

Notice of motion.

On the asking of the Court, Mr. Harkesh Manuja, Additional Advocate General, Punjab, present in Court, accepts notice on behalf of the respondents.

Since the matter is no longer *res integra* and the issue arising in the instant case has been decided in the aforesaid case and connected matters, the text of which judgment is placed at Annex P-14/Pg.95, there appear no reason of making departure since there are no distinguishing features between the two set of cases. Therefore, a direction is issued to the respondents to consider the claim of the petitioners in the light of the judgment in Jaspreet Kaur's case. It will be open to the respondents to examine the issue of delay, laches and bar of limitation in the light of the judgment of the Supreme Court

in State of U.P. & others Vs. Arvind Kumar Srivastava & others, (2015) 1 SCC 347 and State of Uttaranchal & another Vs. Shiv Charan Singh Bhandari & others, (2013) 12 SCC 179 with a caveat that in case those are applied, a reasoned order will be passed and the petitioners would then have a right of hearing before final orders are passed and a right to speaking order. The necessity of hearing and passing an order with reasons is required in view of the decision of the Constitution Bench of the Supreme Court in S.N.Mukherjee Vs. Union of India, AIR 1990 SC 1984. Let the exercise be completed within two months from the receipt of certified copy of this order.

With these observations and directions, the present petition is disposed of.

02.03.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE