

213 LPA Nos.458, 934, 1940 of 2014, 1011, 2314 of 2016 and 759 of 2017

State of Haryana and others
Vs
Rajesh Sharma and others

Present: Ms. Palika Monga, DAG Haryana.

Mr. R.K. Malik, Senior Advocate with
Mr. Kuldeep Sheoran, Advocate,
for the respondent(s) in LPA No.458 of 2014

Delay application in LPA Nos.934 of 2014, 1011, 2314 of 2016 and 759 of 2017

For the reasons mentioned in the application, delay in filing the appeal is condoned subject to all just exceptions.

The application stands disposed of.

Main cases

Arguments heard and the appeals are disposed of vide separate order of even date.

A photocopy of this order be placed on the file of each connected case.

(Rajesh Bindal)
Judge

25.9.2017
pankaj

(Gurvinder Singh Gill)
Judge

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.458 of 2014 (O&M)
Date of Decision:- 25.09.2017

State of Haryana and others

... Petitioners

Versus

Rajesh Sharma and others

... Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill

Present:- Ms. Palika Monga, DAG Haryana.

Mr. R.K. Malik, Senior Advocate with
Mr. Kuldeep Sheoran, Advocate,
for the respondent(s) in LPA No.458 of 2014.

Rajesh Bindal, J.

This order will dispose of a bunch of Letter Patents Appeals bearing LPA Nos.458, 934, 1940 of 2014, 1011, 2314 of 2016 and 759 of 2017 as common questions of law are involved therein.

The State has filed the present intra-court appeals bearing LPA Nos.458, 934 and 1940 of 2014 impugning the judgment dated 29.10.2013 passed in CWP Nos.8216, 8724, 9290 of 2012, LPA No.1011 of 2016 impugning the judgment dated 7.5.2015 passed in CWP No.27573 of 2013, LPA No.2314 of 2016 impugning the judgment dated 7.5.2015 passed in CWP No.27835 of 2013 and LPA No.759 of 2017 impugning the judgment dated 14.7.2016 passed in CWP No.18379 of 2014 by the learned Single Bench.

The claim made by the writ petitioners in the bunch of petitions was regarding pay-scales. While deciding the aforesaid writ petitions,

learned Single Judge had relied upon Division Bench Judgments of this Court in LPA No.930 of 2010-State of Haryana and another Vs. Dr. K.L. Kumar and others decided on 10.8.2010 and in LPA No.797 of 2013-State of Haryana and others Vs. S.P. Gupta decided on 26.4.2013. At the time of hearing, learned counsel for the State pointed out that the judgment of this Court in Dr. K.L. Kumar's case (supra) and order passed by this Court dismissing the review application has been impugned by the State by filing Special Leave Petition (SLP) No.39474 of 2013 before Hon'ble the Supreme Court, which is still pending. In that petition notice was issued on 16.12.2013 and stay of impugned judgment and order of this Court was granted. The aforesaid SLP has now been converted into Civil Appeal.

She further submitted that SLP filed against the judgment of this Court in S.P. Gupta's case (supra) bearing Special Leave to Appeal (Civil) CC Nos.3986-3989/2014 is also pending after notice and has been directed to be heard along with SLP(C) Nos.39474-39475 of 2013 @ C.C. No.21087 of 2013 i.e. K.L. Kumar's case (supra). Both the aforesaid SLPs are still pending before Hon'ble the Supreme Court.

She did not dispute the fact that the issue raised in the present bunch of appeals is same as is pending consideration before Hon'ble the Supreme Court, as the judgment pending consideration before Hon'ble the Supreme Court was relied upon by the learned Single Judge while granting relief to the writ petitioners.

Learned counsel for the writ petitioners submitted that on 10.8.2010, this Court had decided a bunch of 10 Letter Patents Appeals bearing LPA Nos.930, 931, 932, 933, 934, 935, 936, 938, 939 and 940 of 2010.

It is only in LPA No.930 of 2010-State of Haryana and another Vs. Dr. K.L.

Kumar and others, that notice has been issued by Hon'ble the Supreme Court, whereas SLPs in nine other cases were dismissed vide order dated 21.2.2014 passed in Special Leave Petition (Civil) CC Nos.2775-2792 of 2014. As SLPs in 9 cases out of 11 have been dismissed. The present intra-court appeals deserve to be dismissed.

After hearing learned counsel for the parties in our opinion, the bunch of aforesaid Letter Patents Appeals can be disposed of keeping in view the fact that the matter in dispute is pending consideration before Hon'ble the Supreme Court in K.L. Kumar's and S.P. Gupta's case (supra). The judgment rendered in those cases was relied upon by the learned Single Judge while deciding the writ petitions in favour of the private respondents. And in a challenge to the judgment in K.L. Kumar's case (supra) Hon'ble the Supreme Court while issuing notice had stayed operation of the judgment of this Court. The parties in the present bunch of appeals shall abide by the final judgment of Hon'ble the Supreme Court in K.L. Kumar's case (supra) as and when rendered. The order is being passed to avoid multiplicity of litigation. No useful purpose will be served while keeping the present appeals pending in this Court, once the legal issue is pending consideration for final determination before Hon'ble the Supreme Court, the decision wherein shall be binding on both the parties. Till such time the matter is decided by Hon'ble the Supreme Court, interim order granted by this Court on 6.5.2014 shall continue.

Disposed of accordingly.

(Rajesh Bindal)
Judge

25.9.2017

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No