

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

CWP-17815-2014 (O&M)
Date of decision : 11.12.2018

Harbhajan Singh and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ranjivan Singh, Advocate,
for the petitioners.

Ms. Ambika Bedi, AAG, Punjab.

JITENDRA CHAUHAN, J.

The petitioner was a party in CWP No.19476 of 2013 tilted as Baljeet Singh and others Vs. State of Punjab and others, wherein, regularization was sought in pursuance to the policy instructions dated 23.01.2001 issued by the government in view of the decision rendered in Gurmeet Singh's case (supra) whereby, all the identically placed employees in the Department were ordered to be regularized with all consequential benefits. The SLP(C) bearing No.22560 of 2003 filed by the State of Punjab against judgment (Annexure P-1) was disposed of vide judgment dated 13.08.2004 (Annexure P-2) by observing thus:-

“Substitution allowed.

The special leave petition is disposed of by extending time by six months for the petitioner to comply with the High Court's order. The decision of the High Court is otherwise affirmed.”

After the matter had attained finality, the petitioners in CWP-19476-2003 preferred CM-15564-2004 (Annexure P-3), for grant of necessary benefit in terms of the judgment in Gurmeet Singh's case (supra). In reply to the CM application, the claim of the petitioners was admitted by the State as reflected in affidavit dated 08.11.2004 (Annexure P-4). In view of the admission of claim of the petitioners by the State, the writ petition was ordered to be rendered infructuous with a direction to consider the case of the petitioners in accordance with the judgment in Gurmeet Singh's case (supra). Despite admitting the claim of the petitioners, SLP was preferred by the State before Hon'ble the Supreme Court, which was disposed of vide order dated 09.03.2011 (Annexure P-13), by observing thus:-

“Heard learned counsel for the parties.

This appeal is disposed of in terms of the judgment of this Court rendered in the case of State of Punjab & Others Vs. Lakhwinder Singh & Others (2007) 2 SCC 502, since the point involved is the same.”

At this stage, learned counsel for the petitioners states that the subject matters of Gurmeet Singh's case (supra) and Lakhwinder Singh's (supra) are altogether different. Learned counsel submits that for his understanding of the facts, in the order dated 09.03.2011 (Annexure P-13), it has been inadvertently reflected that the appeal is disposed of in terms of the judgment rendered by Hon'ble Supreme Court in Lakhwinder Singh's case (supra) and the same ought to have been in terms of Gurmeet Singh's case (supra).

Therefore, learned counsel seeks to withdraw the instant petition to have the necessary clarification from Hon'ble the Supreme Court as reflected hereinabove.

In view of the same, the instant petition is dismissed as withdrawn, at this stage.

11.12.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No