

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

LPA No. 797 of 2016 (O&M)
In CWP No. 5971 of 1995

Date of decision: 21.2.2018

State of Punjab and others

.. Appellants

VS

Manjit Singh and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B. S. Walia**

Present: Mr. Vikas Mohan Gupta, Additional Advocate General, Punjab.

Ms. Meghaa Vaid, Advocate for
Mr. Kapil Kakkar, Advocate, for respondent nos. 3, 5, 6, 11,
13, 14, 23, 24, 34 to 36, 39, 42, 47, 50, 53, 55, 57, 61, 64,
65, 67 to 69, 77, 78, 80, 82 to 85 and 87.

Ms. Vibha Tewari, Advocate, for respondent no. 49.

Rajesh Bindal, J.

The order dated 10.10.2013 passed by the learned Single Judge
has been impugned in the present intra-court appeal.

The writ petition was allowed referring to order passed on
25.9.1993 in CWP No. 9393 of 1997 – Gurcharan Singh vs The State of
Punjab. LPA No. 1578 of 2014 The State of Punjab and others vs
Gurcharan Singh and others filed by the State against the aforesaid order
was allowed on 9.5.2016 and order passed by the learned Single Judge was
set aside.

Learned counsel for the State submitted that the issue involved
in the present appeal is now settled. Present appeal be also disposed of in
terms of Gurcharan Singh's case (supra).

Learned counsel for the respondents could not dispute the aforesaid facts.

Heard learned counsel for the parties and perused the paper book.

Order dated 16.11.2016 records that out of 93 respondents, service of 61 respondents was complete, however, appearance was only on behalf of respondent no. 49. On 29.8.2017, counsel had appeared for respondent nos. 3, 5, 6, 11, 13, 14, 23, 24, 34 to 36, 39, 42, 47, 49, 50, 53, 55, 57, 61, 64, 65, 67 to 69, 77, 78, 80, 82 to 85 and 87. It was reported that some of the respondents had expired. Be that as it may, we do not find any reason to keep the present appeal pending as the issue is fully covered by Division Bench judgment of this Court in Gurcharan Singh's case (supra).

The order relied upon by the learned Single Judge having been set aside by the Letters Patent Bench, the impugned order cannot be legally sustained. Hence, for the detailed reasons recorded in Division Bench judgment in Gurcharan Singh's case (supra), the impugned order is set aside.

The appeal is allowed.

If any of the LRs of the deceased respondents, who were not brought on record, have any grievance with the order, they shall be at liberty to file application for recalling the order.

(Rajesh Bindal)
Judge

21.2.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No