

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

LPA No. 1623 of 2017 (O&M)
in CWP No. 6527 of 2017

Date of decision: 29.1.2018

Anup Chauhan

.. Appellant

VS

R. K. Verma and others

.. Respondents

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

Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. Ishaan Bhardwaj, Advocate,
Mr. Puneet Gupta and Mr. Amit Jhanji, Advocates,
for the petitioner (s).
Mr. Karan Nehra, Advocate, for respondent nos. 1 to 8.
Mr. Samarth Sagar, Additional Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of three appeals bearing LPA Nos. 1623, 1647 and 1709 of 2017, as common order passed by the learned Single Judge is under challenge.

On 6.9.2017, after hearing learned counsel for the parties, certain directions were issued, which are as under:-

“The Rules of 2016, in particular, Rule 8(73) clearly contemplates re-employment of an incumbent, which has been done in the case of the appellant. It is not a case that he has been retained in service beyond the age of superannuation. His terms of re-employment dictates a contractual arrangement entered upon in public interest for a particular purpose reflected in the order of re-employment.

To our minds the term '*re-employment*' itself suggests reengagement of a person after his age of

superannuation in peculiar circumstances dictated by public interest but this should not stall the onward march of the incumbents who are occupying cadre post and due for promotion.

We also notice that in the connected LPA no. 1647 of 2017, the State did not file the reply and even in the present case though the reply has been filed in Court, it does not address the core issues which the writ petitioner has raised in his petition.

Notice of motion for 29.9.2017.

In the meantime, incumbents in the present list who are re-employed or granted the benefit of retention in service shall not be disturbed till further orders.

However, interim orders passed by us protecting the reemployment of the appellant(s) should not be construed to be an impediment in the way of promoting the incumbents working on the regular cadre in case such promotions are due and posts available.”

Learned counsel for the parties submitted that all the issues between the parties have been settled in terms of the order passed by this Court on 6.9.2017 and none of the parties now has any grievance. Hence, the appeals may be disposed of as such.

Ordered accordingly.

(Rajesh Bindal)
Judge

29.1.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No