

**LPA No. 2182 of 2017 (O&M) in
CWP No. 3152 of 2016**

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

**LPA No. 2182 of 2017 (O&M) in
CWP No. 3152 of 2016**

Date of decision : January 30, 2018

State of Haryana and another

..... Appellants

Versus

Santosh Kumari and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA**

**Present:- Mr. Samarth Sagar, Addl. Advocate General, Haryana
for the appellants.**

**RAJESH BINDAL, J.
CM No. 4786-LPA of 2017**

For the reasons stated in the application, delay of 92 days
in filing the appeal is condoned.

The application stands disposed of.

LPA No. 2182 of 2017 (O&M)

The grievance raised by learned counsel for the appellants in the present intra court appeal is that the learned Single Judge has not considered the Haryana Industrial Training and Vocational Education Department, Field Offices (Group C) Service Rules, 1998 which were repealed and replaced by 2013 Rules vide Notification dated 4th January, 2013. Even the writ petitioners in their petition had also referred to 1998 rules which had already been repealed. There is no doubt that in the

pleadings filed by the State specific reference to these facts was not there but still as the order has been passed referring to the 1998 rules, which according to learned counsel for the State stood repealed with 2013 rules, in our opinion, the issue is required to be considered by the learned Single Judge in that light, hence we dispose of the appeal giving liberty to the State to firstly avail the remedy of review before the learned Single Judge.

Ordered accordingly.

(RAJESH BINDAL)
JUDGE

(B. S. WALIA)
JUDGE

January 30, 2018
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Whether speaking/reasoned	Yes
Whether Reportable	Yes/No