

LPA no. 515 of 2017 (O&M) 1

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

LPA no. 515 of 2017 (O&M)

Date of Decision : 25.10.2018

Fateh Mohd. and others

....Appellant(s)

Versus

Haryana Wakf Board and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE AMIT RAWAL**

Present : Mr.Dinesh Kumar, Advocate for the appellant(s)

Mr. Sandeep Punchhi, Advocate for respondents

MAHESH GROVER, J.(ORAL)

The solitary grievance raised by the appellants against the order of the learned Single Judge dated 23.3.2017 is that while dismissing the writ petition filed by them, he has observed that if some writ petitions are pending where the similar relief is sought and if granted by the writ Court, it shall apply to all the employees who are similarly situated.

Learned counsel for the appellants contends that this virtually defeats the cause of the petitioners against whom the observation has been made resulting in dismissal of the petition and in any eventuality the subsequent writ petition, if pending or preferred later on, qua similarly situated persons would also necessarily meet the same fate as the one from which the impugned order has arisen as the Court would be bound by the law of precedents.

We are in agreement with the argument raised by the learned counsel for the appellants. Consequently we dispose of the instant appeal by remitting the matter back for decision afresh. Since a writ petition bearing CWP No. 7622 of 2017 is already pending qua the similar relief filed by a co-employee, we direct that writ petition bearing CWP No.6011 of 2017 (from where present LPA has originated) be listed alongwith CWP No. 7622 of 2017.

Disposed of.

(Mahesh Grover)
Judge

25.10.2018
rekha

(Amit Rawal)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No