

RA-LP-1-2018 in
LPA No.1806-2016(O&M)

Haryana State Agricultural Marketing Board Panchkula

v.

Suresh Chand and others

Present: Mr.Sandeep Moudgil, Advocate for the applicants.

This application seeks to review/recall order dated 5.10.2016 vide which the Letters Patent Appeal preferred by the applicant-Board was dismissed and the order of learned Single Judge directing to count the service rendered by the respondents in the Haryana State Minor Irrigation and Tube-wells Corporation for the retiral benefits, was upheld.

It is not in dispute that the Board challenged the order under review in SLP before the Hon'ble Supreme Court which has been declined vide order dated 7.7.2017 except to the extent that if the respondent-employee has taken the benefit of CPF, the same will have to be surrendered before the benefit under the impugned order is taken as per the applicable scheme.

Regardless of the fact that we have heard learned counsel for the applicants, who urges that the Govt. circular dated 7.1.2002 relied upon by the learned Single Judge is inapplicable in this case. Firstly, we find that no such specific plea was taken before the learned Single Judge and secondly the benefit of that circular cannot be denied

to the respondents-employees as the previous service was also rendered by them in the State owned Corporation.

The third plea that there is a typographical mistake regarding the date of joining of the respondent in the appellant-Board as mentioned in para 10 of the order is inconsequential as even if he had joined in 2004 the fact remains that he was not in the service as on 7.1.2002 when the Govt. circular was issued.

No case to review the order is made out.

Dismissed.

CM Nos.356 & 357-LPA of 2018

Since the review application has been dismissed, the present applications academic in nature, are also dismissed.

(Surya Kant)
Judge

February 09,2018
KD

(Sudip Ahluwalia)
Judge