

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4001 of 2019

Date of Decision : 14.02.2019

Retd. Chief Inspector, Behari Lal and others

...Petitioners

Versus

The State of Haryana and another

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Rajesh Malik, Advocate for the petitioners.

Harsimran Singh Sethi, J.(Oral)

Learned counsel for the petitioners states that vide order dated 29.12.2017 (Annexure P-4), the benefit of grant of ad-hoc relief w.e.f. 01.04.1979 has been denied to the petitioners on the ground that the petitioners were not the party in any of the writ petitions, which were filed by the similarly situated employees claiming the said benefit and, therefore, petitioners cannot be granted the said benefit. Learned counsel further states that once the similarly situated personnel have been granted the relief in view of the law laid down by this Court in *Satbir Singh Vs. State of Haryana, 2002(2) SCT 354*, according to which, an employee, who is similarly situated, is entitled for the relief once the judgment has attained finality. Learned counsel contends that the order dated 29.12.2017 (Annexure P-4) is bad in the eyes of law and is contrary to the order passed by the Division Bench of this Court.

Notice of motion.

At the asking of the Court, Ms. Safia Gupta, learned Assistant Advocate General, Haryana, accepts notice on behalf of the respondents-State.

Very fairly, learned State counsel states that once a judgment in respect of a question of law has already attained finality, the employees are entitled for the same relief after considering their cases on merits. Learned State counsel further states that the case of the petitioners for the grant of relief as being prayed in the present writ petition will be considered on merits keeping in view the law laid down by Hon'ble the Supreme Court in Civil Appeal Nos. 8661 of 2009 and 8703 of 2009, titled as ***State of Haryana and others Vs. R.K. Gupta and others***, and appropriate orders will be passed in respect of the claim.

Keeping in view the statement made by the learned State counsel, a direction is issued to the respondents to consider the case of the petitioners on merits with regard to the grant of ad-hoc relief as being prayed in the present writ petition w.e.f. 01.04.1979, as done in the case of the similarly situated personnel. Let appropriate order be passed within a period of three months from the date of receipt of certified copy of this order.

Writ petition stands disposed of in above terms.

February 14, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*