

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

(114)

CWP-5140-2019

Date of Decision: February 26, 2019

K. R. Taneja

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kamal Sehgal, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner contends that his case for the grant of the benefits as prayed in the present writ petition is covered by the decision rendered by this Court in CWP No.7327 of 2015 titled as Randhir Singh Lambra Vs. State of Haryana and another, decided on 04.03.2016. It is contended on behalf of the petitioner that similarly situated personnel has already been allowed the benefit of counting the service rendered by him in Haryana Electricity Regulatory Commission and in Haryana State Minor Irrigation Tubewells Corporation Limited.

Learned counsel for the petitioner states that the said judgment has already attained finality as the Letter Patent Appeal No.2362 of 2016 filed against the said judgment was dismissed on 06.12.2016 and even the SLP filed by the State of Haryana against the said order was also dismissed on 18.08.2017. Counsel states that once a question of law has already been settled by the competent Court of law, the petitioner who is similarly situated as Randhir Singh Lambra should have been given the benefit.

Learned counsel for the petitioner states that after the orders were passed by this Court in the case of Sh. Randhir Singh Lambra, the

petitioner submitted a detailed representation to the respondents seeking the same relief on 11.06.2018. It is averred in the writ petition that rather than granting the said benefit to the petitioner, in order to delay the proceedings, the matter has been referred to the Legal Remembrance for his opinion and despite the fact that more than three months have elapsed, the matter is being kept pending awaiting the legal opinion.

Learned counsel for the petitioner states that once the matter is covered, there was no need of legal opinion and even if the legal opinion was required for, the same should have been obtained at the earliest and the representation of the petitioner cannot be kept pending just to await the legal opinion.

Learned counsel for the petitioner states that the petitioner will be satisfied, at this stage, in case a direction is issued to respondent No.2 to pass an appropriate order on the representation dated 11.06.2018 (Annexure P-36).

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the representation dated 11.06.2018 (Annexure P-36), the present writ petition is disposed of with a direction to respondent No.2 to decide the representation dated 11.06.2018 (Annexure P-36) within a period of three months from the receipt of certified copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

February 26, 2019
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No