

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

**CM No.16084 of 2018 and
CWP No.12176 of 2013
Date of decision: 06.11.2019**

Dr. Sat Pal Gautam and ors.

....Petitioners

Versus

State of Haryana and another

....Respondents

Coram: Hon'ble Mr. Justice B.S. Walia

Present: Mr. R.K. Malik, Sr. Advocate with Mr. Yogesh Sheoran,
Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. Walia, J. (Oral)

With the consent of learned counsel for the parties, the main case is taken up on Board for hearing today itself.

2. Learned counsel for the petitioners contends that the petitioners are similarly situated as the petitioners in CWP No.10506 of 2002 in case titled as **Dr. K.L. Kumar and ors. versus State of Haryana and others** as was upheld by the decision of Hon'ble the Division Bench in LPA No.930 of 2009 in case titled as **State of Haryana and another versus Dr. K.L.Kumar and others** decided on 10.8.2010 and that Review Application No.29 of 2013 filed by the State in said case was dismissed on 2.8.2013 and decision of Hon'ble the Division Bench was upheld by Hon'ble the Supreme Court in SLP Nos.39474-39475 of 2013 in case titled as **State of Haryana and others versus K.L. Kumar and others** on 12.10.2018 and that in the circumstances, the writ petition is liable to be allowed in terms of the

reasoning contained in the decision in **Dr. K.L. Kumar's** case (supra) as has been upheld upto the Hon'ble Supreme Court.

3. The factual position is not disputed by learned Senior DAG, Haryana.

4. In view of the position as noted above, the writ petition is allowed in terms of the decision of a Coordinate Bench of this Court in **Dr. K.L. Kumar's** case (supra) as has been upheld upto the Hon'ble Supreme Court. The respondents would take steps to release the benefits as are admissible to the petitioners in accordance with the decision in **Dr. K.L. Kumar's** case (supra) as has been upheld upto the Hon'ble Supreme Court in accordance with law as expeditiously as possible preferably within a period of three months from the date of receipt of certified copy of this order failing which the same shall be released along with interest @ 7.5% per annum with effect from the date of entitlement till the date of payment.

5. Writ petition allowed in the aforementioned terms.

November 06, 2019

ps

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

**(B.S. WALIA)
JUDGE**