

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

(103)

**CM-4841-CWP-2019 in/and
CWP-3388-2018
Date of Decision: April 02, 2019**

Mohan Sharma and ors

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI, J.(ORAL)

CM-4841-CWP-2019

Present application has been filed for preponement of the hearing of the main case. The reason given for preponing is that CWP No.4001 of 2019, wherein also the same question of law was raised, as raised in the present writ petition, has already been disposed of vide order dated 14.02.2019 and the request has been made that the present writ petition be also disposed of in the same terms by preponing the date.

Notice of the application to the respondents-State.

On asking of the Court, Ms. Safia Gupta, AAG, Haryana, who is present in the Court, accepts notice. Copy of the application has been supplied to her.

Learned counsel for the respondents-State states that State has no objection for preponing the date of hearing.

The application is allowed and hearing of the main case is preponed for today.

CWP-3388-2018

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 being CWP No.16084 of 1997, CWP No.2757 of 1998 and CWP No.4518 of 2000, which were filed by the similarly situated employees claiming the said benefit and was allowed 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.

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 and while passing a fresh order and the order rejecting the claim dated 29.12.2017, will not be taken into account. 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 orders 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.

**(HARSIMRAN SINGH SETHI)
JUDGE**

April 02, 2019
harsha

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