

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

CWP No. 4734 of 2018

Date of Decision : 02.04.2019

Matram Gahlawat

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Sharma, Advocate for the petitioner.

Ms. Safia Gupta, A.A.G., Haryana.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, challenge is to the order dated 02.11.2017 (Annexure P-1) by which claim of the petitioner for the grant of the pensionary benefits in pursuance to the judgment rendered by this court in CWP No. 20085 of 2003, decided on 07.11.2013 was declined.

Learned counsel for the petitioner states that the reason given by the respondents in declining the relief to the petitioner in pursuance to the judgment was that the said judgment was not to be treated as a precedent. Learned counsel further states that subsequent to the passing of the impugned order, a bunch of writ petitions was decided by this Court bearing CWP No. 1486 of 2018 and other connected cases, on 13.12.2018. While deciding the similar cases, this Court has already taken note of the said objection and still found that the similarly situated employees as that of

CWP No. 20085 of 2003, are entitled for the grant of the pensionary benefits and, therefore, in view of the decision rendered by this Court mentioned above, the impugned order is liable to be set-aside and the petition is liable to be disposed of in terms of order passed in CWP No. 1486 of 2018 and other connected cases, decided on 13.12.2018.

Learned Assistant Advocate General, Haryana, very fairly states that the reason which has been given by the Department to reject the claim of the petitioner has already been considered by this Court while deciding CWP No. 1486 of 2018 and other connected cases and, therefore, the State will have no objection in case the present writ petition is also disposed of in terms of the order passed by this Court in CWP No. 1486 of 2018 and other connected cases, decided on 13.12.2018.

Keeping in view the request made by learned counsel for the parties, the present writ petition is disposed of in terms of order dated 13.12.2018 passed in CWP No. 1486 of 2018 and other connected cases.

The impugned order dated 02.11.2017 (Annexure P-1) is set-aside and the case of the petitioner will be decided in terms of direction given in CWP No. 1486 of 2018, decided on 13.12.2018.

April 02, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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