

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6247 of 2018

Date of decision : 24.09.2019

Kaptan Singh and others

....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. S.K. Bhardwaj, Advocate for the petitioners.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

Mr. Dinesh Saini, Advocate for

Mr. Pritam Saini, Advocate for respondent No. 3.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners argues that the petitioners are entitled for the benefit of service rendered in the HSMITC for computing the pensionary benefits of the petitioners after their retirement. In support of this contention, learned counsel relies upon the judgment of this Court in CWP No. 26716 of 2014, titled as ***Nathu Singh Vs. State of Haryana and others***, decided on 27.09.2016, wherein, it was held that the benefit of past service rendered in HSMITC has to be counted for computing the pensionary benefits.

Learned counsel for the respondents states that the order passed by the learned Single Judge in CWP No. 26716 of 2014 and other connected cases allowing the benefit of services rendered in HSMITC for computing pensionary benefits, was challenged by filing ***LPA No. 1105 of 2017*** titled as **'The State of Haryana and others Vs. Nathu Singh'**, which has been allowed by the Division Bench of this Court on 29.05.2018, wherein, the

Division Bench has held that the employees, who were absorbed in the various departments after they were retrenched from the HSMITC and the other Corporations, which were closed in the year 2002, in pursuance to the Notification issued by the Government of Haryana in the year 2006, are not entitled for the benefit of past service and the judgment dated 27.09.2016 passed in CWP No. 26716 of 2014, titled as ***Nathu Singh Vs. State of Haryana and others*** has been set-aside.

Learned counsel for the respondents further states that even the SLP filed by the employees against the judgment of the Division Bench has also been dismissed by the Hon'ble Supreme Court of India and the judgment of Division Bench has attained finality.

Learned counsel for the petitioner does not dispute the said fact.

Keeping in view the above, as the question of law raised in the present writ petition has already been answered by the Division Bench in ***LPA No. 1105 of 2017 titled as 'The State of Haryana and others Vs. Nathu Singh***, holding that employees who were retrenched in 2002 and thereafter absorbed in other institutions as per the notification issued by the Government of Haryana in 2006, are not entitled for benefits of past service, the present writ petition is dismissed keeping in view the order passed in ***LPA No. 1105 of 2017 titled as 'The State of Haryana and others Vs. Nathu Singh***.

Dismissed.

September 24, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No