

**CM No. 4860-CWP-2019 in/and
CWP No. 7302 of 2018**

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

**CM No. 4860-CWP-2019 in/and
CWP No. 7302 of 2018
Date of Decision : 01.04.2019**

Ram Narayan and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

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

Harsimran Singh Sethi, J.(Oral)

CM-4860-CWP-2019

The present application has been moved for preponing the date of hearing of the above mentioned case, which is fixed for 28.05.2019.

Learned counsel for the applicant states that similar writ petitions filed by the other persons, who are similarly situated, have been disposed of by this Court and an order passed in CWP No. 4001 of 2019 has been attached alongwith the present application to pray that the present writ petition be also disposed of in the same terms.

Notice in the application.

Ms. Safia Gupta, A.A.G., Haryana, accepts notice on behalf of the respondent-State and states that she has no objection in case the present

application is allowed and hearing of the writ petition is preponed to today.

Keeping in view the prayed made by learned counsel for the parties, the application is allowed and hearing of the writ petition is preponed to today and the same is taken up for hearing.

CWP No. 7302 of 2018

Learned counsel for the petitioners states that vide order dated 27.02.2018 (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, which were filed by the similarly situated employees claiming the said benefit and, therefore, petitioners cannot be granted the said benefit. Learned counsel for the petitioners 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, hence, petitioners are also entitled for the relief as claimed. Learned counsel contends that the order dated 27.02.2018 (Annexure P-4) is bad in the eyes of law as the claim of the petitioners is being rejected only on the ground that they were not party to the writ petitions bearing CWP No. 16084 of 1997, CWP No. 2757 of 1998 and CWP No. 4518 of 2000 wherein this Court had granted the relief and an order granting said relief was already upheld by Hon'ble the Supreme Court in Civil Appeal No. 8661 of 2009, decided on 08.12.2015.

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. 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 by ignoring the earlier rejection done on 27.02.2018 (Annexure P-4 Colly).

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 order 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.

April 01, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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