

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

**LPA No. 774 of 2022 (O & M)**

**Date of Decision: 30.11.2022**

Ranbir Singh and others

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA  
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. R.K. Malik, Sr. Advocate,  
with Mr. Sunil Hooda, Advocate,  
for the applicant-appellants.

Ms. Palika Monga, DAG, Haryana.

**G.S.SANDHAWALIA, J. (Oral)**

**CM-1852-LPA-2022**

Allowed as prayed for.

**CM-1853-LPA-2022**

Application has been filed for condonation of delay of 71 days in  
filing the appeal.

Notice in the application.

Ms. Palika Monga, DAG, Haryana, on account of having  
advance copies, accepts notice.

Application is allowed in view of averments made in the  
application supported by affidavit and in view of the nominal delay.

Delay of 71 days in filing the appeal is condoned.

C.M. stands disposed of.

**LPA-774-2022**

The present letters patent appeal is directed against the order  
dated 25.04.2022 passed by the learned Single Judge in CWP No. 1092 of

Senior counsel for the appellants has tried to argue on the merits of the case as regarding the entitlement of the appellants and regarding the benefit of the revised scales and the fact that the complete service of the appellants was not counted. Since the writ petition was admitted and when it came up for hearing before the learned Single Judge apparently, the appellants had not instructed the counsel. Therefore, the learned Single Judge could not apparently decide the issue on merits and was handicapped on account of the lack of assistance from both the sides as even the counsel for the State also was not in a position to assist. Thus, only on the basis of the stand taken in the written statement, the writ petition was dismissed by also noticing that the writ petition has been rendered infructuous.

In such circumstances, we are of the considered opinion that an overall decision on the merits of the case would be required so that the factual and the legal aspects are crystallized before this Court proceeds to decide the issue. Counsel for the State also could not controvert the findings which have been recorded that even the State Government had no instructions from the official respondents at that point of time.

In such circumstances, we are of the view that it would be appropriate if the matter is decided in a comprehensive manner on merits.

Accordingly, the appeal is allowed. The matter is remanded to the learned Single Judge to take a call on the said case on merits after giving due opportunity to the writ petitioners.

(G.S. SANDHAWALIA)  
JUDGE

30.11.2022  
shivani  
Whether reasoned/speaking  
Whether reportable

(HARPREET KAUR JEEWAN)  
JUDGE  
Yes/No  
Yes/No