

**CM-19550-CWP-2022 and CM-19552-CWP-2022 in/and
CWP-28025-2017**

1

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

**(102) CM-19550-CWP-2022 and
CM-19552-CWP-2022 in/and
CWP-28025-2017
Date of Decision : December 16, 2022**

Krishan Kumar and others .. Petitioners

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Chugh, Advocate, for the petitioners.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-19550-CWP-2022

Present application has been filed for preponing the date of hearing of the main petition i.e. CWP No.28025 of 2017, which stands adjourned to 19.01.2023.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the above, application is allowed and the hearing of the main petition i.e. CWP No.28025 of 2017, is preponed from

19.01.2023 to today.

CM-19552-CWP-2022

Present application has been filed for disposing of the writ petition in terms of the judgment rendered by the Hon'ble Court in ***CWP No.22528 of 2021 titled as Vikas Kumar vs. State of Haryana and others.***

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the facts mentioned in the application, the same is allowed.

CWP-28025-2017

Learned counsel for the petitioners submits that question of law raised in the present petition has already been decided by the Coordinate Bench of this Court while passing order in CWP No.7626 of 2015 after which the challenge to the said judgment in ***LPA No.171 of 2021 titled as State of Haryana and another vs. Gurmail Kaur and others, decided on 22.03.2021*** has already been negatived by the Division Bench though, the said question of law is pending consideration before the Hon'ble Supreme Court of India as of now.

Learned counsel for the petitioners further submits that in the similar facts and circumstances, this Court has already passed an order in Bunch of Petitions being ***CWP No.22528 of 2021 titled as Vikas Kumar vs.***

State of Haryana and others, on 29.08.2022 and the present petition may

kindly be disposed of in same terms and conditions.

Learned counsel for the respondents submits that though there is differentiation in the case of the petitioners and that of *Gurmail Kaur's case (supra)* but in the reply in paragraph 9, it has been mentioned that the dispute raised in the present petition is subjudiced before this Court in *Gurmail Kaur's case (supra)*.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case, when the question of law has already been decided by this Court though the dispute is pending consideration before the Hon'ble Supreme Court of India and there is no interim order in favour of the State for implementation of the judgment in *Gurmail Kaur's case (supra)* and similarly situated employees have already been granted certain benefits while passing order in *Vikas Kumar's case (supra)*, the present writ petition is also disposed of in same terms and conditions as *Vikas Kumar's case (supra)*.

December 16, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No