

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(265)

RSA-628-2019 (O&M)

Date of Decision : May 09, 2023

Secretary, Public Health Department, Govt. of Haryana, Panchkula
and others

.. Appellants

Versus

Isham Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Mr. Sushil Kamboj, Advocate, for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-1433-C-2019

As prayed for, the application is allowed.

Annexures A-1 to A-5 are taken on record.

CM-1187-C-2022

Present application has been filed for preponing the date of
hearing of the main appeal from 21.07.2022 to an early actual date.

As the main appeal is listed today, present application has
become infructuous.

CM stands disposed of as infructuous.

RSA-628-2019

1. Present Regular Second Appeal has been filed challenging the judgment and decree dated 08.10.2018 passed by the lower Appellate Court whereby the judgment and decree dated 15.02.2014 passed by the trial Court has been set aside and the suit of the respondent-plaintiff has been allowed.

2. Learned counsel for the parties agree that the question of law raised in the present appeal with regard to the grant of benefit of regularization on the post of Water Pump Operator is covered by the decision of the Division Bench of this Court in ***LPA No.1190 of 2016 titled as State of Haryana and others vs. Ranbir Singh, decided on 28.03.2017.***

3. Learned counsel for the appellants submits that the said judgment of the Division Bench of this Court is already pending consideration before the Hon'ble Supreme Court of India in SLP (C) No.26948 of 2017 titled as State of Haryana vs. Ranbir Singh.

4. Learned counsel for the respondent submits that there is no interim order and the other similarly situated employees have already been granted benefit whereas, the objection is being taken for keeping the present appeal pending till the decision in SLP (C) No.26948 of 2017.

5. Learned counsel for the respondent submits that the present appeal be also disposed of in terms of ***Ranbir Singh's case (supra)*** and the respondent undertakes that in case the said judgment is modified in any manner by the Hon'ble Supreme Court of India while deciding SLP (C) No.26948 of 2017, the said modification be also made applicable upon the respondent ipso facto.

6. Learned counsel for the appellants submits that keeping in view the statement of the learned counsel for the respondent, the present appeal may also be disposed of in terms of the judgment of the Division Bench in ***Ranbir Singh's case (supra)*** subject to the undertaking given by the learned counsel for the respondent.

7. As agreed between the parties, the present appeal is also disposed of in terms of the judgment of the Division Bench of this Court in ***Ranbir Singh's case (supra)*** with the clear indication that as undertaken before this Court, in case the judgment in ***Ranbir Singh's case (supra)*** is modified in any manner by the Hon'ble Supreme Court of India, the modification if any, will also be ipso facto applicable upon the respondent.

CM-1434-C-2019

As the main appeal has been disposed of, present application also stands disposed of.

May 09, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No