

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

RSA-1362-2021 (O&M)

Date of Decision : 29.04.2023

Shiv Kumar

...Appellant

Versus

The Haryana Tourism Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Abha Rathore, Advocate for the appellant.

Ms. Vibha Tewari, Assistant Advocate General, Haryana for
Mr. Ankur Mittal, Additional Advocate General, Haryana
for the respondents.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the appellant submits that the question of law raised in the present appeal is already covered by the judgment passed by the Co-ordinate Bench of this Court in RSA No. 2163 of 2010 titled as ***Satyabir Singh Vs. Haryana Tourism Corporation and others***, decided on 04.05.2012. Learned counsel for the appellant further submits that Satyabir Singh, who was similarly situated as the appellant herein, had also claimed same relief, which was allowed in his favour, which proceedings have attained finality and Satyabir Singh has already been extended the relief as being claimed for by the appellant herein.

Learned counsel for the appellant argues that on the basis of judgment in ***Satyabir Singh's case (supra)***, a writ petition being CWP No.

2256 of 2015 titled as ***Sunil Kumar Gupta Vs. Haryana Tourism***

Corporation and others, has also been allowed by a Co-ordinate Bench of this Court vide order dated 04.12.2018 and the same relief has also been extended by the department to Sunil Kumar Gupta, hence, denying of the said relief to the appellant herein is discriminatory and arbitrary.

Learned counsel for the respondents has not been able to controvert the statement of learned counsel for the appellant that the question of law raised in the present appeal is already covered by the judgment in **Satyabir Singh's case (supra)** and **Sunil Kumar Gupta's case (supra)** and the said relief has already been extended to the similarly situated employees.

Keeping in view the fact that the question of law raised in the present appeal is covered by the judgment in **Satyabir Singh's case (supra)**, the present appeal is allowed in terms of **Satyabir Singh's case (supra)** and the judgment and decree of the courts below are set-aside being contrary to the settled principle of law on the issue concerned keeping in view the law laid down in **Satyabir Singh's case (supra)**.

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

April 29, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No