

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104) CM Nos.13986 & 13989 of 2023 in/and
CWP No.3664 of 2021 (O&M)
Date of Decision : 05.09.2023

Surinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Daryal, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

CM No.13989 of 2023

The present petition has been filed for preponing the hearing
of the main writ petition, which now stands adjourned to 17.01.2024.

Notice of the application to the respondents.

Mr. Pankaj Middha, Additional Advocate General, Haryana,
who is present in the Court accepts notice and raises no objection for the
grant of the prayer as made in the present application.

Keeping in view the joint prayer made by the counsel for the
parties, the hearing of the main writ petition is preponed from 17.01.2024
to today.

CM No.13986 of 2023

The present application has been filed for placing on record Annexures A-13.

Application is allowed.

Document i.e. Annexure A-13 is taken on record.

CWP No.3664 of 2021

Learned counsel for the parties agree that the question of law raised in the present petition has already been decided by a Coordinate Bench of this Court in CWP No.9224 of 2017 titled as **Nand Lal Vs. State of Haryana and others**, decided on 07.08.2018 and the decision of the Coordinate Bench is in the favour of the petitioner that the petitioner is entitled for the benefits.

Learned counsel for the petitioner further submits that even LPA filed against the said judgment being LPA No.183 of 2021, titled as **State of Haryana Vs. Nand Lal**, decided on 16.02.2021 has also been dismissed.

Learned State counsel submits that SLP filed against the same being SLP No.8653 of 2021 is pending before Hon'ble the Supreme Court hence, it cannot be said that the judgment in **Nand Lal(supra)**, on which the reliance is being placed by the petitioner has attained finality.

On being asked as to whether there is an interim order in the Hon'ble Supreme Court, learned counsel for the respondents very fairly submits that there is no interim order.

Once, the question of law settled in **Nand Lal(supra)** by this Court is pending consideration in the Hon'ble Supreme Court, the interest of the State needs to be protected.

Learned counsel for the petitioner has undertaken that in case, the judgment in **Nand Lal(supra)** is modified or set aside by the Hon'ble Supreme Court, the same judgment of the Hon'ble Supreme Court can be made applicable upon the petitioner ipso facto.

Keeping in view the statement of the learned counsel for the petitioner, the interest of the State stands protected hence, as the question of law raised in the present petition is squarely covered by the decision in **Nand Lal(supra)**, the present petition is also disposed of in the same terms subject to any order to be passed by the Hon'ble Supreme Court in SLP No.8653 of 2021, which as per the undertaking of the learned counsel for the petitioner will be ipso facto applicable in the case of the petitioner.

September 05, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No