

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

***IOIN-CWP-2656-2006 in/and
CWP-2656-2006 (O&M)***

Date of Decision: 17.11.2023

THE EXECUTIVE ENGINEER, PWD,
PUBLIC HEALTH DIVISOIN, GURGAON

...Petitioner

Versus

SUKHDEV SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Praveen Chander Goel, Addl. A.G., Haryana
for the petitioner-State.

HARSH BUNGER, J. (ORAL)

Petitioner (The Executive Engineer, PWD, Public Health Division, Gurgaon) has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *certiorari* for quashing the Award dated 03.11.2004 (Annexure P-3); whereby, respondent No.1-Sukhdev Singh has been awarded a compensation of Rs.1,20,000/- for his retrenchment.

2. At the outset, learned counsel for the petitioner/State submits that against the impugned Award dated 03.11.2004 (Annexure P-3), respondent No.1-Sukhdev Singh had filed a writ petition i.e. ***CWP-11191-2005***, which came to be decided by this Court vide order dated 04.05.2016; whereby, the above referred Award dated 03.11.2004 was modified to the extent that Sukhdev Singh (respondent No.1, herein) was held entitled to reinstatement with 50% back wages along with

continuity of service and other service benefits at par with other workers namely, Subhash, Sajjan Singh and Sahi Ram. Learned counsel for the petitioner-State has further brought to the notice of this Court that the above-referred order dated 04.05.2016 passed in ***CWP-11191-2005*** was impugned by the department/petitioner herein by way of an intra-court appeal i.e. ***LPA No.2393 of 2016***; however, the same was dismissed and thereafter, it appears that an SLP was filed by the petitioner herein before the Hon'ble Supreme Court of India; wherein the leave was granted and the same was registered as ***Civil Appeal No.9118 of 2019***.

It is apposite to note that since respondent No.1-Sukhdev Singh did not appear in the SLP; accordingly, the same was disposed of by the Hon'ble Supreme Court vide order dated 29.11.2019, which was an *ex-parte* order. It appears that thereafter, respondent No.1-Sukhdev Singh filed a review petition (***Review Petition (C) No.924 of 2020***), which came to be allowed and order dated 29.11.2019 granting compensation to respondent No.1-workman for a sum of Rs.3 lacs was recalled and the appeal was restored to its original number for consideration on merits.

4. Learned State counsel has handed over a copy of order dated 23.02.2021 passed by the Hon'ble Supreme Court of India, in ***Review Petition (C) No.924 of 2020*** in ***Civil Appeal No.9118-2019***, in the Court today, which is taken on record subject to all just exceptions and the same is marked as Mark 'X'. The said appeal has been disposed of by

holding as under :-

“We have heard learned counsel for the parties at length.

This Court in State of Madhya Pradesh vs. Vinod Kumar Tiwari, (2016) 16 SCC 610, set aside the order of reinstatement considering that the appointment was on daily wage and the retrenchment was only two years later in violation of the provisions of Section 25F opining that the direction for reinstatement was disproportionate and that compensation would meet the ends of justice.

However, in the present case, it is an undisputed fact that persons junior to the respondent-workman have been reinstated while he has been left out. Upon consideration of the entirety of the matter, in the facts of the present case, we are satisfied that the appeal deserves to be allowed partly. But the workman nevertheless deserves to be compensated adequately. We, therefore, recall our previous order dated 29.11.2019 granting compensation to the respondent-workman for a sum of Rs.3 lacs. The appellant-management is stated to have deposited the aforesaid sum already in the Registry of this Court pursuant to our order dated 04.10.2019. The respondent-workman is at liberty to collect the deposited amount of Rs.3 lacs along with interest accrued thereon. The Management shall pay an additional sum of Rs.5 lacs to the respondent-workman within four weeks from today, failing which it will carry interest at the rate of 7 per cent.

The appeal is disposed of in the aforesaid terms.”

5. As per the Registry note, notice could not be issued to the respondents as their correct addresses have not been supplied by

learned counsel for the petitioner/State. It has also been reported that even no process fee has been filed by learned counsel representing the petitioner/State.

6. In view of the afore-mentioned circumstances, learned counsel for the petitioner/State submits that in the light of the order dated 23.02.2021 passed by the Hon'ble Supreme Court in ***Review Petition (C) No.924 of 2020*** in ***Civil Appeal No.9118-2019***, the writ petition has been rendered infructuous and therefore, there is no necessity of the respondents, to be served.

7. A perusal of the file reveals that the ***main writ petition stands admitted for regular hearing; however, on the oral request of learned counsel for the petitioner/State in view of the stand indicated above, the main case i.e. CWP-2656-2006 is taken up on Board today itself.***

8. Keeping in view the submissions made by learned counsel for the petitioner/State and also the facts as indicated above, the instant petition i.e. ***CWP-2656-2006*** is hereby dismissed as having been rendered infructuous.

9. Pending application/s, if any, shall also stand closed.

November 17, 2023
Spn/gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No