

CM-3354-C-2023 ;
CM-3351-C-2023 in/and
RSA-6336-2018

2023:PHHC:068056

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106) CM-3354-C-2023 ;
CM-3351-C-2023 in/and
RSA-6336-2018
Date of Decision : May 11, 2023

State of Haryana through Collector, Gurugram and others

.. Appellants

Versus

Naresh Kumar and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Sudhir Rana, Advocate, for the respondents.

Harsimran Singh Sethi J. (Oral)

CM-3354-C-2023

Present application has been filed for fixing the RSA No. 6336 of 2018 to an early actual date of hearing.

Notice of the application to the counsel opposite.

Ms. Vibha Tewari, learned Assistant Advocate General, Haryana, who is present in court, accepts notice on behalf of appellants-State and raises no objection for the grant of prayer as made in the present application.

Keeping in view the above, application is allowed and the RSA No. 6336 of 2018 is taken up for hearing today.

CM-3351-C-2023

Present application has been filed for impleading legal

representatives of respondent No. 2-Mahender Singh, who unfortunately died on 21.09.2020, during the pendency of the appeal.

Notice of the application to learned counsel for the appellants.

Ms. Vibha Tewari, learned Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State. She raises no objection for the grant of prayer as made in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, present application is allowed. Legal heirs of respondent No. 2-Mahender Singh, the details of whom are given in para 2 of the application, are allowed to be brought on record with all just exceptions in the present appeal and the amended memo of parties attached with the present application is taken on record.

CM stands allowed.

RSA-6336-2018

1. 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.***
2. 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.***
3. Learned counsel for the respondents 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.

4. Learned counsel for the respondents submits that the present appeal be also disposed of in terms of ***Ranbir Singh's case (supra)*** and the respondents undertake 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 same be made applicable upon the respondents ipso facto.

5. Learned counsel for the appellants submits that keeping in view the statement of the learned counsel for the respondents, 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 respondents.

6. 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 respondents.

Any civil miscellaneous application, if pending, is also disposed of as such.

May 11, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No