

CM No. 1145-LPA-2024 in/and RA-LP-5 of 2024 in
LPA No. 292 of 2023 in CWP No. 1654 of 2020

Haryana State Legal Services Authority and others
Vs.
Karam Pal and others

Present:- Mr. D.S.Patwalia, Senior Advocate with
Mr. Kannan Malik, Advocate, for the applicants-appellants.

Mr. Sunil K.Nehra, Advocate with
Mr. Suryaveer S.Surjewala, Advocate,
for the non-applicants-respondents.

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For the reasons mentioned in the application, delay of 12 days in
filing the review application is condoned. Application stands disposed of.

RA-LP-5 of 2024 in LPA No. 292 of 2023

2. By way of present application, the applicants-appellants sought
review of the judgment/order dated 14.12.2023 (Annexure A-1) passed by a
Coordinate Bench of this Court on the ground that the said order suffers from
an error apparent on record since apparently the contractual employees have
been held to be entitled the dearness allowance in terms of the order dated
16.08.2022 passed by the Supreme Court in Contempt Petition (Civil) Nos.
399-2020, 400-2020 and 401 of 2020.

3. It has been pointed out that a specific plea was taken before the
learned Single Judge that as per Rule 8(3) '*dearness allowance*' has been
termed as compensatory allowance granted to the Government employee in the
Haryana Civil Services (Allowances to Government Employees) Rules, 2016
and as per Rule 8(36) the '*government employee*' does not include an
employee appointed on contract basis in Haryana Civil Services (General)
Rules, 2016.

4. It is accordingly pointed out that even the Apex Court in *State of Punjab and others vs. Jagjit Singh and others 2017(1) SCC 148*, has held that the employees would be entitled to the minimum of the pay scale of the category to which they belong but would not be entitled to allowance attached to the posts held by them.

5. Mr. Nehra, learned counsel appearing for the non-applicants-respondents has opposed the prayer for review of the order on the ground that the Apex Court has already considered the same in the contempt order (supra).

6. We are of the considered opinion that keeping in view the fact that the Rule in question thus was not brought to the notice of the Apex Court as well as of the Coordinate Bench. Accordingly, a case for review of the order in question is made out. The application for review of the order dated 14.12.2023 passed by this Court is allowed and the said order is recalled.

7. The appeal is restored to its original number and be set down for hearing on-merits as per roster.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

15.03.2024
ravinder

(AMAN CHAUDHARY)
JUDGE