

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

233

CWP-11356-2020 (O&M)
Decided on : 07.02.2024

Nutan

.....Petitioner

Versus

State Of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Parveen Kumar, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. Learned counsel for the petitioner submits that the question of law raised in the present petition has already been decided by this Court by passing order in *CWP No. 18481 of 2017- 'Sonia v. Haryana Staff Section Commission'*, decided on 31.10.2023 hence the present petition be also disposed of in the same terms and conditions.

2. Learned State counsel on the other hand submits that though, the question of law raised in the present petition is covered by the judgment passed in *Sonia's case (Supra)* but the department has already decided to assail the said judgment in appeal hence, the present petition may kindly be adjourned or otherwise the petitioner be directed to give a statement that in case the judgment passed in *Sonia's case (Supra)* is modified or set-aside in any manner by the Appellate Court, the same will be *ipso facto* applicable upon the petitioner.

3. Learned counsel for the petitioners submits that the grievance

being raised by the learned State counsel is only qua filing of appeal by the department in all cases, hence, the undertaking may be recorded that in case, the judgment in *Sonia's case (Supra)* is modified or set aside by the Appellate Court in any manner, the same be made applicable upon all the petitioners even without filing an appeal.

4. Learned counsel for the respondents does not object the statement made by the counsel for the petitioner recorded herein above.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Keeping in view the above coupled with the fact that a detailed order has already been passed on the same issue as raised in the present petition, hence, the present petition is also allowed in the same terms as in *CWP No. 18481 of 2017- 'Sonia v. Haryana Staff Section Commission', decided on 31.10.2023.*

7. The present petition stands disposed of in above terms.

8. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

07.02.2024

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No