

CMs-6615 & 6616-CWP-2024 in/& -1- 2024:PHHC:059565
RA-CW-127-2024 in
CWP-13129-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103 CMs-6615 & 6616-CWP-2024 in/&
RA-CW-127-2024 in
CWP-13129-2021
Date of Decision :01.05.2024

Balwan ...Petitioner

Versus

Haryana Power Generation Corporation
and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Chahal, Advocate for the review-applicant/petitioner.
Mr. Pankaj Middha, Addl. A.G, Haryana.

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Harsimran Singh Sethi, J. (Oral)

CM-6615-CWP-2024

Present application has been filed for bringing on record the sole legal representative of petitioner-Balwan, who unfortunately died during the pendency of the main writ petition.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Legal representative of petitioner-Balwan, details of whom has been given in para-3 of the application is ordered to be brought on record subject to all just exceptions.

Memo of parties is also taken on record.

CM-6616-CWP-2024

Present application has been filed for condonation of delay of 970 days in filing the present review petition on the basis of the judgment passed by the Coordinate Bench of this Court in **CWP-5001-2017, titled as Satender vs. State of Haryana and others, decided on 07.08.2023** along with bunch of petitions, which order has already attained finality.

Notice of the application to the counsel opposite.

Mr. Pankaj Middha, Addl.AG, Haryana accepts notice on behalf of the respondent-State and 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, application is allowed. Delay of 970 days in filing the present review petition is condoned.

RA-CW-127-2024

Learned counsel for the review-applicant/petitioner submits that petitioner had raised claim for the grant of appointment keeping in view the land acquired for setting up Rajiv Gandhi Thermal Power Plant, Khedar, District Hisar and the said writ petition was disposed of by this Court vide order dated 20.07.2021 with the observation that as the issue raised in the petition is pending consideration before the Division Bench of this Court in LPA No.1862 of 2019 and in case after the decision of the said LPA, any right accrues to the petitioner, the petitioner can avail appropriate remedy but now the said issue has already been decided by the Coordinate Bench of

this Court in the **case of Satender (supra)**, which judgment has already attained finality as the State has chosen not to file an appeal against the said order and hence, the petitioner be given liberty to file the representation claiming the said relief keeping in view the law settled by the Coordinate Bench of this Court in **Satender (supra)**.

Learned counsel for the respondents submits that in case petitioner intends to claim the benefit of the judgment in the case of **Satender (supra)**, he can file a fresh petition.

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

Once, the same question of law has already been settled by the Coordinate Bench of this Court in the case of **Satender (supra)** and the claim of the petitioner is covered by the said judgment, order dated 20.07.2021 passed by this Court is withdrawn so that the petitioner does not suffer any prejudice as it is a conceded position before this Court that judgment in the case of **Satender (supra)** has already attained finality as no appeal has been filed by the State against the said order.

Review application is accordingly allowed.

On joint request of the learned counsel for the parties, main writ petition is taken up today for consideration

CWP-13129-2021

Learned counsel for the parties agreed that the question of law raised in the present petition has already been decided by the Coordinate Bench of this Court in the case of **Satender (supra)** and the present petition

may also be disposed of in the same terms.

Learned counsel for the petitioner submits that after the judgment in the case of **Satender (supra)**, the petitioner has filed representation dated 13.02.2024 (Annexure A-5) with the respondents and the petitioner will be satisfied at this stage, in case, a time bound direction is issued to the respondents to decide the said representation.

Learned counsel for the respondents submits that in case, representation dated 13.02.2024 (Annexure A-5) has been received from the petitioner and is still pending consideration with the authorities concerned, the same will be decided by the concerned authorities in accordance with law and an appropriate speaking order will be passed keeping in view the judgment of this Court in **Satender (supra)** within a period of 08 weeks from the date of receipt of copy of this order and in case, it is found feasible to grant the relief to the petitioner, the same will be extended to him otherwise, due reasons for not accepting the claim of the petitioner will be mentioned in the speaking order so passed.

Learned counsel for the petitioner submits that keeping in view the statement of the learned counsel for the respondents, present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

May 01, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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