

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101+210)

CWP No. 13969 of 2018 (O&M)
Date of Decision : 09.01.2024

Vivek Garg

...Petitioner

Versus

Haryana Raj Bhawan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Tarun Vir Singh Lehal, Advocate for respondent No. 2.

Mr. Raghubir Tejpal, Advocate for respondent No. 3-IGNOU

Harsimran Singh Sethi J. (Oral)

CM-120-CWP-2024

Present application has been filed for placing on record the written statement filed on behalf of respondent No. 3.

Application is allowed and written statement filed on behalf of respondent No. 3 is taken on record with all just exceptions.

CM-9314-CWP-2023

Present application has been filed for placing on record replication to the written statement filed on behalf of respondent No. 1.

Application is allowed and replication to the written statement filed on behalf of respondent No. 1 is taken on record with all just exceptions.

CWP-13969-2018

Learned counsel for the parties submit that the question of law raised in the present petition has already been settled by the Coordinate Bench of this Court while passing order in CWP No. 11049 of 2017 titled as ***Karamjeet Kaur Vs. State of Punjab and another***, decided on 06.06.2019.

Learned counsel for the respondents submit that the said judgment is the subject matter of LPA No. 1843 of 2019. Learned counsel for the respondents submits that once the issue is pending consideration before the Division Bench, the present petition may kindly be adjourned.

Learned counsel for the petitioner, on the other hand, submits that there is no interim order in the LPA and the petitioner undertakes to submit that in case, the judgment in ***Karamjeet Kaur's case (supra)***, is in any way modified or set-aside, the same be made applicable upon the petitioner *ipso-facto*, without there being filed any appeal against the order.

Learned counsel for the respondents submit that keeping in view the statement of learned counsel for the petitioner, the present petition may also be disposed of in terms of ***Karamjeet Kaur's case (supra)***.

The present petition is disposed of in terms of ***Karamjeet Kaur's case (supra)***, with the clear observation that keeping in view the undertaking given by the learned counsel for the petitioner, in case the judgment in ***Karamjeet Kaur's case (supra)***, is modified or set-aside by the Division Bench, the same will be *ipso-facto*, applicable upon the petitioner as well.

It may be further noticed that in case, the State of Haryana is in any way aggrieved against the decision of the Division Bench, they can also have their appropriate remedy available to them against the present order.

Petition is disposed of in above terms.

January 09th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No