

211

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1357-2009 (O&M)
Date of Decision: 14.03.2024

NEELAM RATHEE DAHIYA AND OTHERS

.....Appellants

V/s.

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Vijay K. Jindal, Advocate for the appellants.

Mr.Hitesh Pandit, Addl. A.G., Haryana.

Mr. Anurag Goyal, Advocate for respondents No.3 to 6.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Learned counsel for the appellants fairly states that in view of the order dated 20.04.2022 passed by the Supreme Court in Civil Appeals No.10005-10006 of 2010 titled as **Benu Bajaj** Vs. **The State of Haryana and Others** and the connected Appeal, the present appeal would not survive.

2. In **Benu Bajaj** (Supra), the Supreme Court after considering the law and the judgment held in **Union of India and Others** Vs. **Krishna Kumar and Others** ; (2019) 4 SCC 319 has held as under:-

“9. Therefore, mere fact that the vacancy arose prior to the amendment in Rules would not be relevant as the consideration for promotion was after the amendment of the Rules. Geeta Devi was not eligible for promotion under the amended Rules as her previous service was not on regular basis.

10. In view of the said fact, we find that the order of the High Court suffers from patent illegality. Thus the same is set aside. The writ petition filed by the respondent-Geeta Devi is dismissed. The appellant – Benu Bajaj shall be

given all financial benefits, if any, which accrues to her as the Head of the Department. On the other hand, Geeta Devi shall be considered for promotion, if any, in accordance with law. However, no recovery from Geeta Devi be made on account of the financial benefits given to her as she has discharged duties of higher responsibility, in view of the judgment in ‘Smt. P. Grover v. State of Haryana’ reported in (1983) 4 SCC 291.”

3. In view of the above, the present Appeal is dismissed in the aforesaid terms.

4. All pending applications filed in this case shall stand disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

March 14, 2024
Ess Kay

[SUDEEPTI SHARMA]
JUDGE

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