

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208) CWP-8330-2011
Date of Decision : April 04, 2024

Hari Shankar Aggarwal .. Petitioner

Versus

State of Haryana and others .. Respondents

(208-A) CWP-16997-2012

Vivek Chand Sharma .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anil Rathee, Advocate, for the petitioner(s)
in both cases.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Ms. Anmolpreet Kaur, Advocate, for
Mr. H.S. Oberoi, Advocate, for respondent No.3.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.

2. Learned counsel for the parties concedes the fact that the question of law raised in the present petition is covered by the decision in

CWP-17733-2010 (Shyam Jiwan Pathak vs. State of Haryana and others)

decided on 01.03.2012 against which, even the LPA-956-2012 (State of Haryana and others vs. Shyam Jiwan Pathak) was dismissed on 13.07.2012.

3. Learned counsel for the petitioner(s) submits that keeping in view the above said factual aspect, the prayer of the petitioner(s) be allowed in the same terms as in CWP-17733-2010.

4. Learned counsel for the respondents submits that the question of law raised in this petition is covered by the decision in CWP-17733-2010 and the LPA-956-2012 filed against the said decision was dismissed but a review petition has been filed which is still pending consideration.

5. Keeping in view the factual aspect which has been noticed hereinabove, the present petitions are allowed in the same terms as in ***CWP-17733-2010 (Shyam Jiwan Pathak vs. State of Haryana and others)*** subject to the condition that any order passed in RA-LPA-36- 2020 in LPA-956-2012 which is pending consideration before the Division Bench of this Court will *ipso facto* become applicable upon the petitioner(s) as well.

6. Further, before any benefit is granted to the petitioner(s), the petitioner(s) will submit a due affidavit to the respondents that the petitioner(s) will also be bound by the decision in RA-LP-36-2020 in LPA-956-2012 though they are not the party to the said petition.

7. A photocopy of this order be placed on the file of other connected case.

April 04, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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