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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-15720-2024 (O&M)
Date of decision : 21.08.2024**

Manoj Kumar

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aman Mittal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Ms. Tanu Bedi, Advocate for respondent Nos.3 to 5.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution, *inter alia*, for quashing of the impugned order dated 05.10.2023 (P-26), issued in violation of the judgment dated 21.03.2002 (P-19), passed by the Division Bench of this Court in CWP-4382-2002, titled as 'Satbir Singh and another Vs. State of Haryana and others'.

2. On 18.07.2024, this Court passed the following order:-

"Learned counsel for respondent Nos. 3 to 5, has apprised the Court that matter is pending with the Government of Haryana and reminders in this regard have been sent from time to time; but no final decision is taken so far.

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In view of the above, learned State counsel shall get instructions from the quarter concerned.

Posted for 05.08.2024."

3. Again on 13.08.2024, this Court observed as under:-

"Learned State counsel on instructions has apprised the Court that final decision in the matter shall be taken in accordance with law very shortly.

Posted for 21.08.2024.

Be shown in the Urgent list.

In case, there is a failure, necessary legal consequences shall follow."

4. Today, learned State counsel has produced a copy of Memo dated 20.08.2024, issued by the Additional Chief Secretary, Administration of Justice Department, Government of Haryana, which is taken on record as Mark 'X'. For reference, relevant part of the communication reads as under:-

"E-mail

No.21/46/2024-2JJ (II)

From

*The Additional Chief Secretary
to Government, Haryana,
Administration of Justice Department.*

To

*The Registrar General
Punjab and Haryana High Court,
Chandigarh.*

Dated, Chandigarh; the 20-08-2024

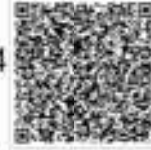
Subject:-

***CWP No.15720 of 2024 titled as Manoj Kumar Vs
State of Haryana and others.***

Sir,

I am directed to invite your kind attention w.r.t. your letter No.2417 EII/VII.B.3 (Hry)(9E) dated 04.09.2020 and letter No.1158 EII/VII.B.D (Hry)(9E) dated 18.01.2024 on the subject cited matter and to intimate that the Government observes that the

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benefits has been granted to the petitioners by District and Session Judge, Kaithal in CWP No.2261 of 2011 and CWP No.18619 of 2009 and to the non petitioners, by them only in the light of directions conveyed in the final orders of the aforesaid CWPs related thereto, passed by Hon'ble Court.

2. *Further, it is pertinent to mention here that aforesaid benefits have been granted to other aforesaid employees without concurrence/consultation of Administration of Justice Department as well as Finance Department. Petitioner Sh. Manoj Kumar, Reader Grade-I is also seeking similar benefits, who has also preferred CWP No.15720 of 2024 seeking similar benefits in terms of ibid judgments. Accordingly, the initial memo dated 04.09.2020 as received from District and Session Judge, Kaithal through your good office has been rendered infructuous in view of recent development.*

3. *Since, similar benefits has been granted to the other employees i.e. petitioner and non-petitioners in terms of aforesaid CWP's including that of Gobind Rai case, the case of Sh. Manoj Kumar, Reader Grade-I, may be considered by the Department concerned at their own level on parity basis in terms of aforesaid judgment, being the concerned Establishment as well as cadre controlling department which is competent to grant the relief of ACP.*

*Superintendent, Jails & Judicial-II,
for; Additional Chief Secretary to
Government, Haryana,
Administration of Justice Department."*

5. Perusal of the aforesaid extract clearly reveals that similar benefits have already been granted to the employees/non-petitioners in terms of the judgments passed in CWP-2261-2011 & CWP-18619-2009 and the State of Haryana has no objection, for consideration of the case of petitioner accordingly.

6. In view of the above factual position, present writ petition is allowed; order impugned dated 05.10.2023 is quashed & set-aside;

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and the matter is remitted to the quarter concerned, for passing fresh speaking order, in accordance with law, by 31.12.2024.

Pending application(s), if any, shall also stand disposed off.

21.08.2024
atulsethi/Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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