

CM-410-CWP-2024;
CM-413-CWP-2024 in/and
CWP-8259-2016

2024:PHHC:005023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101) CM-410-CWP-2024;
CM-413-CWP-2024 in/and
CWP-8259-2016
Date of Decision : 15.01.2024

Ram Kumar
...Petitioner

Versus

State of Haryana and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-410-CWP-2024

Present application has been filed for recalling the order dated 24.07.2023, by which, the present writ petition was dismissed for non-prosecution with liberty to the legal heirs of the petitioner to revive the same.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, coupled with the fact that learned

counsel for the respondents has not objected to the relief as prayed in the present application, the same is allowed. The order dated 24.07.2023 is recalled and the writ petition is restored to its original number and status.

CM-413-CWP-2024

Present application has been filed for impleading legal representatives of the petitioner, who unfortunately died on 14.12.2019 (Annexure A-1), during the pendency of the writ petition.

Notice of the application to learned counsel for the respondents.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, present application is allowed. Legal heirs of the petitioner, the details of whom are given in para 2 of the application, are allowed to be impleaded in the present writ petition and the amended memo of parties attached with the present application is taken on record.

CM stands allowed.

CWP-8259-2016

In the present petition, the petitioner-Ram Kumar (since deceased) was claiming various revised pensionary benefits as well as the

service benefits for the service, which the petitioner had rendered with the HSMITC.

Learned counsel for the petitioners submits that as per the reply, except the grant of ACP, the other benefits have been released. Learned counsel for the petitioners further submits that the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioners to raise the claim of the revised gratuity as well as to claim exemption from passing the departmental test so as to be eligible for the grant of ACP.

Learned counsel for the respondents submits that in case any claim is received from the petitioners, the same will be decided in accordance with law in the facts of the present case coupled with the service rules and appropriate order will be passed within a period of eight weeks from the date of the receipt of any such claim.

Learned counsel for the petitioners submits that keeping in view the said statement of learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further with liberty as prayed for.

Ordered accordingly.

January 15th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No