

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

(201) CWP-16331-2012
Date of Decision : January 24, 2024

Jai Singh **.. Petitioner**

Versus

State of Haryana and others .. Respondents

(201-A) CWP-21523-2008 (O&M)

Nafe Singh and others **.. Petitioners**

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kanwal Goyal, Advocate, for the petitioner
in CWP-16331-2012.

Mr. Kartikey Chaudhary, Advocate, for
Mr. Samrat Malik, Advocate, for the petitioners
in CWP-21523-2008.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Pardeep Solath, Advocate, for respondent No.6
in CWP-16331 of 2012 and
for respondents No. 6, 10, 9 to 14 and 16
in CWP-21523-2008.

Mr. A.S. Talwar, Advocate for respondents No. 3 to 8
in CWP-21523-2008.

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. In the present petitions, the seniority list was challenged. In the integrum, the petitioners have already retired from service and keeping in view the interim order passed by this Court, the petitioners continued working in the service without any prejudice caused to them on the basis of impugned seniority list.

3. Learned counsel for the petitioners submits that the present writ petitions may kindly be disposed of having been not pressed any further and direction be issued to the respondents that any benefit that has already been extended to the petitioners upto the date of retirement as well as for computing the pensionary benefits be not withdrawn by the respondents.

4. Learned counsel for the respondents submits that as the petitioners have already retired and worked on a particular post though under the interim orders of the Court and the petitioners have already been given the pensionary benefit after their retirement keeping in view the duties of the post which they were discharging at the time of retirement, no benefit already extended will be withdrawn from a retired employee.

5. By keeping the issue of law as raised in the present petitions open, the present petitions are disposed of having been not pressed any further.

6. It may be noticed that in case by the operation of seniority list which has been impugned in the present petitions, any benefit is to be granted to any other employee including the private respondents, State will be free to pass appropriate order granting them promotion notionally, if permissible under law.

7. Keeping in view the fact that the petitioners have already

retired from service and they have already been paid the benefit keeping in view the duties which they were discharging on the date of their superannuation, it is directed that no benefit which the petitioners were enjoying and has already been extended to them after their retirement will be withdrawn.

8. Any civil miscellaneous application pending if any, also stands disposed of.

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

January 24, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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