



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No. 109)

LPA No.2089 of 2024 (O&M)

Date of decision: 02.09.2024

State of Haryana and others

..... Appellants

Versus

Som Nath Manocha

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Sanjeev Kaushik, Addl. A. G., Haryana for the appellants.

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DEEPAK SIBAL, J. (Oral)

(1) After hearing the learned State counsel and going through the impugned judgment we find that the respondent had petitioned this Court seeking therein quashing of memo dated 04.08.2021 through which revised pension granted to him had unilaterally been recommended to be withdrawn. The respondent relied upon the judgment dated 16.05.2023 passed by a learned Single Judge of this Court in ***CWP No.26015 of 2013 – K. L. Vasudeva and others Vs. State of Haryana and another***. When the respondent's petition came up for hearing before the learned Single Judge, learned State counsel as also learned counsel appearing for Accountant General (A&E), Haryana agreed to the disposal of the respondent's writ petition in terms of the law laid down in ***K. L. Vasudeva's*** case (supra) and accordingly, through the impugned judgment it was so ordered.

(2) Once the impugned judgment has been passed on the concession given by the learned State counsel as also learned counsel appearing for



Accountant General (A&E), Haryana that the respondent's petition be allowed in terms of ***K. L. Vasudeva's*** case (supra), the present intra court appeal would not be maintainable, especially when the statement made on behalf of the State before the learned Single Judge, on the basis whereof the impugned judgment has been passed, has not even been questioned.

(3) Even otherwise, the intra court appeal being ***LPA No.1960 of 2023 – State of Haryana and others Vs. K. L. Vasudeva and others*** filed by the State of Haryana against the judgment of the learned Single Judge dated 16.05.2023 in ***K. L. Vasudeva's*** case (supra) was dismissed by a coordinate Bench on 05.12.2023 against which Special Leave Petition filed by the State has also been dismissed by the Supreme Court on 09.07.2024. It is further not disputed before us that the judgment in ***K. L. Vasudeva's*** case (supra), which applies to the respondent's case, has been implemented by the State.

(4) In the light of the above, the present appeal is dismissed.

(5) However, on request made by the learned State counsel two weeks from today are granted to the State to implement the impugned judgment.

(6) All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

02.09.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No