

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.167099-DB



(105) RA-LP-25-2023 (O&M)
in LPA-1598-2019

State of Haryana and another

.....Review applicant/appellant(s)
Versus

Varun Gupta
(2)Respondent(s)
RA-LP-26-2023 (O&M)
in LPA-674-2021

State of Haryana and another

.....Review applicant/appellant(s)
Versus

Nitesh SharmaRespondent(s)

Decided on :13.12.2024

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICEVIKAS SURI**

Present: Ms. Shruti Jain Goyal, Sr. DAG, Haryana
for the review applicant/appellant.

G.S. Sandhawalia, J.(Oral)

1. Present review applications have been filed after the dismissal of the SLPs on 05.12.2022 before the Apex Court with permission to file review petition. Counsel for the State has vehemently tried to distinguish the fact that the employees were working under Special Schemes.
2. We have gone through the judgment, which was dictated in the open Court in the presence of the State Counsel. The said factum of employees working under Special Schemes was specifically mentioned in both the appeals, which were decided and, therefore, we find no plausible reason to entertain the present review applications, since we had relied upon the judgment of the Apex Court passed in **State of Punjab and others Vs. Jagjit Singh and others, (2017) 1 SCC 148** and upon the instructions of the State itself dated 03.11.2017.

The argument has been raised that the matter has to be referred to the Committee for consideration is without any basis, since neither any such plea was taken by the State in the written statement before the learned Single Judge.

3. Counsel for the State has further argued that in LPA No.1598 of 2019, there is no specific period from when the amount will be payable and, therefore, submits that the employee is seeking benefit prior to 01.11.2017.

4. We are of the considered opinion that since the instructions itself provide that the amount would be payable from 01.11.2017 and the learned Single Judge had not fixed any cut-off period and in the corresponding appeal bearing LPA-674-2021, we had noticed that the date of entitlement would be from 01.11.2017, the writ petitioner-Varun Gupta would also be entitled from the said date. Even otherwise in **LPA No.306 of 2017 ‘State of Haryana and another Vs. Anurag Chahal & others’** decided on 27.10.2022, this Court had held that the cut-off-date is fixed as 01.11.2017, as per the instructions and, therefore, we see no valid reason that the employee can claim any benefit prior to that date.

5. Resultantly, both the review application alongwith all civil miscellaneous applications stand dismissed. We do not issue notice to the respondent-Varun Gupta, keeping in view the settled position as per instructions and the view which was taken earlier and, thus, it would entail extra costs to the contractual employee to engage a counsel again in the review application.

6. Photocopy of this order be placed on the file of other connected case(s).

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

13.12.2024
Naveen

Whether speaking/reasoned : Yes
Whether Reportable : No