



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

(Sr. No. 113)

LPA No.2696 of 2024 (O&M)
Date of decision: 04.11.2024

State of Haryana and another

..... Appellants

Versus

Gian Chand Garg

..... 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) The respondent had petitioned this Court to challenge order dated 18.06.2020 passed by the Director General, Technical Education Haryana, Panchkula, through which his claim for re-fixation of his notional pay and consequent revision of his regular pension had been rejected. The respondent had further sought issuance of directions to the State to notionally refix his pay on the basis of memo dated 27.05.2019 issued by the Finance Department, Haryana and the order of the State dated 18.10.2011 as also a memo dated 24.07.2020 issued by the State.

(2) When the respondent's petition came up for hearing before a learned Single Judge of this Court, in support of his claim, reliance was placed on his behalf on a judgment of a learned Single Judge dated 16.05.2023 passed in ***CWP No.26015 of 2013 – K. L. Vasudeva and others Vs. State of Haryana and another***, against which judgment the intra court appeal being LPA No.1960 of 2023 – State of Haryana and others Vs. K. L. Vasudeva and others



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also stood dismissed as also the Special Leave Petition filed by the State to challenge the judgment of the Division Bench had also met the same fate as their intra court appeal. On a concession made by the learned State counsel that the respondent's case would be considered by the State in terms of the law laid down in ***K.L. Vasudeva's*** case (supra) the respondent's petition was disposed of through the impugned judgment.

(3) Before us the learned State counsel submits that the respondent's case is not covered by the law laid down in ***K.L. Vasudeva's*** case (supra) and therefore, the impugned judgment needs to be set aside.

(4) A perusal of the impugned judgment reveals that the respondent's petition was disposed of on the statement made by the learned State counsel that the respondent's claim for re-fixation of his pension shall be considered by the State in terms of the law laid down in ***K.L. Vasudeva's*** case (supra). Therefore, the afore submission made on behalf of the appellant-State cannot be allowed to be raised through an intra court appeal especially when the afore submission made by the learned State counsel before the learned Single Judge, on the basis whereof the respondent's petition was disposed of, is not disputed.

(5) Dismissed.

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

(DEEPAK SIBAL)
JUDGE

04.11.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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