

**LPA-2701-2024 (O&M)****1****130****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****LPA-2701-2024 (O&M)****Date of decision : 04.11.2024****State of Haryana and others****...Appellants****Vs.****Surinder Singh****...Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA****Present: Mr. Sanjeev Kaushik, Addl.A.G., Haryana.***********DEEPAK MANCHANDA, J.**

1. Through this intra-court appeal, the appellants have challenged the impugned judgement dated 05.09.2023 passed by the learned Single Judge in CWP-3664-2021, which was disposed of in light of the judgment passed by this Court in CWP-9224-2017 titled as "Nand Lal Vs. State of Haryana and others" being squarely covered by the same.

2. The outlined facts emanating from the pleadings of the present intra Court appeal are that respondent-petitioner filed Civil Writ Petition-3664-2021 seeking quashing of the office order No.903 dated 19.05.2020 for non-opening of GPF account being non-speaking order as the same was passed without affording any opportunity and also prayed for issuance of directions to the appellants for counting entire service period of the respondent on adhoc basis as qualifying service. The respondent/petitioner was appointed as driver on adhoc basis vide appointment letter dated 01.09.1997, whose services were regularized vide order dated 13.08.2014 (Annexure P-3) and pleaded in the



writ petition that one of the similarly situated employee, namely, Nand Lal was allowed to open GPF account vide Court order dated 07.08.2018 by this Court whereas the similar request of the respondent for opening of GPF account was rejected vide impugned office order No.2119/A dated 19.05.2020 (Annexure P-10), challenged through the writ petition. The learned Single Judge while relying upon the judgement passed in the case of said Nand Lal, decided on 07.08.2018 and even LPA filed against the said judgment i.e. LPA-183-2021 titled as “State of Haryana Vs. Nand Lal” decided on 16.02.2021 was also dismissed. The appellants preferred SLP No.8653-2021 against the said judgment in Nand Lal (supra), which is still pending adjudication before the Hon’ble Supreme Court. The learned Single Judge vide impugned judgment disposed of the writ petition in terms of the Nand Lal (supra) and an undertaking was also given by the learned counsel for the respondent subject to any order to be passed by Hon’ble Supreme Court in SLP No.8653-2021 and the same shall be *ipso facto* applicable in the case of the respondent. Now aggrieved against the impugned judgment passed by learned Single Judge, the present intra Court appeal has been preferred by the appellant before this Court.

3. We have heard learned counsel for the appellants and have perused the material available on record.

4. A perusal of the impugned judgment would show that during the proceedings before the learned Single Judge, the appellants were in *ad idem* that the question of law raised by the respondent through his petition had already been decided by a learned Single Judge of this Court in the respondent’s favour in Nand Lal’s case (supra). The said judgment was



challenged by the State through LPA-183-2021, which has also been dismissed. Thereafter, SLP bearing No.8653-2021 was filed against the said judgment passed in LPA-183-2021 which is pending consideration before the Hon’ble Supreme Court with no interim stay in the State’s favour. During the proceedings before the learned Single Judge, once the categoric statement has been made by the learned counsel for the respondent that in case the judgment in Nand Lal’s case (supra) is set aside by the Hon’ble Supreme Court, the same shall *ipso facto* be applicable upon the respondent, this Court cannot lose sight of the fact that the appellants also agreed with the above statement made on the respondent’s behalf and did not raise any objection that the respondent’s case was squarely covered by the decision of Nand Lal’s case (supra). The State’s interest was also duly protected by the learned Single Judge. Therefore, there is no occasion for preferring the present appeal against the impugned judgment. Rather, the appellants should have waited for the outcome of the SLP No.8653 of 2021.

6. In view of the above discussion, we find no merit in the present appeal. Consequently, the same is dismissed.

8. Since the main case is dismissed, pending application(s), if any, have also been rendered infructuous.

(DEEPAK MANCHANDA)
JUDGE

(DEEPAK SIBAL)
JUDGE

04.11.2024
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No