



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

(1)

**LPA No.57 of 2020 (O&M)
Date of Decision: 01.03.2025**

Haryana Dairy Development Cooperative Federation
Ltd. and another

.....Appellants.

Versus

Subhash Chander and others

.....Respondents.

(2)

LPA No.790 of 2020 (O&M)

Haryana Dairy Development Cooperative Federation
Ltd. and another

.....Appellants.

Versus

Shakuntla Devi

.....Respondent.

**CORAM: *HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA*
*HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Padam Kant Dwivedi, Advocate
for the appellants in both the cases.

Mr. R.K. Malik, Senior Advocate with
Mr. Varun Veer Chauhan, Advocate
for the respondents in both the cases.

SANJEEV PRAKASH SHARMA, J.(Oral)

Both these Letters Patent Appeals are taken up together for
adjudication as similar questions of law and facts are involved therein.



2. Both the counsel are *ad-idem* that the issue raised in the present appeals stands finally adjudicated by the Co-ordinate Bench in **LPA No.1701 of 2024** titled as '**Haryana Dairy Development Cooperative Federation Limited and another Vs. Kartar Singh**' and **CM No.6720-LPA of 2024 in LPA No.1701 of 2024**, decided on 13.08.2024 and 29.11.2024 respectively.

3. The relevant paragraphs No.4 and 5 of the order dated 13.08.2024 passed in **LPA No.1701 of 2024** read as under:-

*"4. The pleadings of the present appeal would show that the respondent claimed parity with other similarly situated employees whose services were regularized and the learned Single Judge while relying upon the judgments in **Baldu Ram Vs. State of Haryana, 2000 (5) SLR 1** and **LPA-1037-2012 – State of Haryana and others Vs. Ved Pal and others**, and in light of the **Ved Pal's** case (*supra*) the writ petition filed by the respondent was allowed.*

5. After perusal of material available on record, we are in agreement with the observations made by the learned Single Judge that respondent is deemed to be in service with effect from the date when he was originally appointed on daily back wages and once he is said to be in service with effect from the original date of the appointment he would be entitled to seek regularization on the ground of parity as in identical circumstances the services of other similarly situated employees were regularized and appellants are not in a position to dispute the same. The only question which arose before this Court for consideration is the alleged



discrimination done at the hands of appellants in case of respondent and admittedly the appellants are not in position to deny the same. Moreover, the judgment of Ved Pal's case (supra) referred in the impugned judgment by the learned Single Judge has also attained finality, as the SLP (Civil) No.36871-2012 filed by the appellants, has already been dismissed vide order dated 02.05.2014 by the Hon'ble Apex Court. So in the light of above discussion, we are not inclined to interfere, accordingly the present intra Court appeal is dismissed."

4. The above-said order dated 13.08.2024 was modified vide the order dated 29.11.2024 passed in **CM No.6720-LPA of 2024 in LPA No.1701 of 2024** and the relevant portion of the said order is reproduced as under:-

"In the light of the above, the present application is allowed and the order dated 13.08.2024 is ordered to be modified to the following extent:

"In view of the findings given by the learned Single Judge, the plea taken by the applicants-appellants is not acceptable as learned Single Judge has rightly allowed the writ petition but the prayer of the applicants-appellants for restricting the arrears to 38 months is worth acceptance especially when learned counsel for the respondent-petitioner has also agreed to the same. Accordingly it is directed that the arrears/benefits payable to the respondent shall be restricted to 38 months prior to the filing of the respondent's writ



petition.”

Application is disposed of in the above terms.”

5. Both the counsel submit that the same orders, as referred above, be implemented in the present appeals.

6. We do not find any reason to differ with the afore-mentioned orders passed by the Co-ordinate Bench.

7. Accordingly, the present Letters Patent Appeals are allowed in terms of the above-said orders dated 13.08.2024 and 29.11.2024 passed by the Co-ordinate Bench. Resultantly, the impugned orders dated 07.03.2019 and 03.10.2019 passed by the learned Single Judge in **CWP No.12878 of 2013** and the review-application bearing **RA-CWP No.380 of 2019 in CWP No.12878 of 2013** respectively, as well as the impugned order dated 13.08.2019 passed by the learned Single Judge in **CWP No.5533 of 2017**, are set-aside.

8. All pending civil misc. applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

March 01, 2025
Yag Dutt

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