

2025:PHHC:059003



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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Date of Decision: 05.05.2025.

(1) CWP-14733-2000 (O&M)

MAM CHAND GUPTA

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

(2) CWP-17637-2000 (O&M)

V. K. JAIN

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

PRESENT: Mr. Gaurav Sharma, Advocate,
for the petitioner(s).

Mr. Tapan Kumar, DAG, Haryana.

Mr. Bikramjit Singh Patwalia, Advocate, with
Mr. Gaurav Jagota, Advocate,
for respondent No.3.

VINOD S. BHARDWAJ, J (ORAL)

Involving identical issues, both these writ petitions are
being decided by a common order.

2 A brief eye-view of the controversy involved in the
present writ petitions is however, extracted from CWP-14733-2000
titled as 'Mam Chand Gupta Vs. State of Haryana and others.'

3 The petitioner had challenged the order dated
12.10.2000 whereby the respondent State decided to refix the *inter*
se seniority in Class-II (Mechanical Wing) of Public Works (B&R)
Department and dismissed the representation submitted by Mr.
M.C. Gupta (petitioner in CWP No.14733 of 2000) and Mr. V.K.
Jain (petitioner in CWP No.17637 of 2000). Roster point No.24
was accordingly granted to the respondent No.3 Sh.Gurminder
Singh while petitioner-M.C. Gupta (petitioner in CWP No.14733 of
2000) was granted Roster point No.32 and Mr. V.K. Jain (petitioner
in CWP No.17637 of 2000) was granted Roster point No.7.

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4 An undertaking was given by the State counsel on 06.02.2001 to the effect that the petitioner was not likely to be reverted till the next date of hearing. The writ petition was thus admitted vide order dated 15.07.2002 and the said undertaking was ordered to continue till the pendency of the said petition. It seems that the respondents did initiate the process of reversion of the petitioner at a later stage, however, even the said order was stayed.

5 Be that as it may, there was no interim order granted against assigning the roster point No.24 to respondent No.3.

6 Learned counsel for the petitioner(s) contends that since the petitioner(s) have already superannuated, he has instructions not to press the instant writ petition any further in case the benefits already disbursed to the petitioner(s) are protected.

7 Learned State counsel is not in a position to dispute that owing to the interim order and on account of the pendency of the writ petition, the petitioner has served and completed his tenure and has superannuated from the promoted post. He is also not in a position to controvert that the petitioner would thus have a right to claim the financial benefits against the post where he actually discharged his duties and recovery of financial benefits, post superannuation, may be highly debatable against the State. Hence, the exercise at this stage is predominantly academic considering

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that the petitioner may otherwise be justified in claiming that having served on the substantive post for the entire duration, he is entitled to actual benefits against the said post.

8 Without prejudice to the rights of respondent No.3 if any, the present writ petitions are disposed of at this stage by conforming the interim order dated 10.12.2004 in favour of the petitioner. The benefits which have already been released to the petitioner shall remain protected. Respondent No.3 may, if so advised, submit a representation to the respondent authorities for claiming the benefits, if any to which he feels entitled to. The respondents shall thereafter take a considered decision on such a representation, in a time bound manner, and preferably within a period of 04 months of submission of such a representation.

9 Both the writ petitions stand disposed of accordingly.

10 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

11 A photocopy of the order be placed on the connected file(s).

May 05, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

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