

(2023) 04 SHI CK 0076
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.1642 Of 2022

Sakin Chand

APPELLANT

Vs

State Of Himachal Pradesh And Ors

RESPONDENT

Date of Decision : 13-04-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 04 SHI CK 0076

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Abhyendra Gupta, Anup Rattan, Rajan Kahol, Vishal Panwar, B.C. Verma, Rahul Thakur, Ravi Chauhan

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of instant petition filed under Article 226 of the Constitution of India, petitioner has prayed for following main relief:

(I) That Annexure P-1 may be set aside/quashed and the respondents may be ordered to grant pension to the petitioner from the due date with all the benefits incidental thereof."

2. Despite repeated opportunity, no reply has been filed by the respondents, however, before case at hand could be heard and decided on its own merits, learned counsel for the petitioner states that petitioner would be content and satisfied in case his case is ordered to be considered and decided in light of the judgment dated 18.12.2018, passed by a Division Bench of this Court in CWP No. 2384 of 2018, State of Himachal Pradesh and Ors v. Sh. Matwar Singh and Another, in a time bound manner. Learned Additional Advocate General is not averse to the aforesaid prayer made by the petitioner.

3. Having perused judgment sought to be relied upon vis-à-vis issue raised in the

instant petition, this Court finds that issue raised in the instant petition already stands adjudicated by the Division Bench of this Court in the aforesaid judgment and as such, no prejudice if any, would be caused to either of the parties if case of the petitioner is ordered to be considered in light of the aforesaid judgment passed by the Division Bench of this Court.

4. Consequently, in view of the above, present petition is disposed of with direction to the respondents to consider and decide the case of the petitioner in light of the aforesaid judgment rendered by Division Bench of this Court, expeditiously, preferably within four weeks. In case petitioner is found similarly situate to the petitioner in aforesaid judgments, similar benefit shall be granted to him. Needless to say, authority concerned while doing the needful in terms of the instant order shall afford an opportunity of hearing to the petitioner and pass detailed speaking order thereupon.

5. In the aforesaid terms, present petition is disposed of alongwith pending applications, if any. However, liberty is granted to the petitioner to file appropriate proceedings before appropriate court of law, if he still remains aggrieved.