
(2010) 07 P&H CK 0214
In the Punjab And Haryana At Chandigarh

State of Haryana and Others	Vs	APPELLANT
Khem Chand Dabla		RESPONDENT

Date of Decision : 19-07-2010

Acts Referred:

Citation : (2010) 07 P&H CK 0214

Hon'ble Judges : M.M. Kumar, J;A.N. Jindal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The instant appeal under Clause X of the Letters Patent is directed against the judgment dated 22.7.2009, passed by the learned Single Judge in CWP No. 18283 of 2008. The learned Single Judge has granted the relief of pay protection to the petitioner-respondent, who is an erstwhile employee of Octroi Branch of the Municipal Committee, Gurgaon, because in the year 1999 the octroi was abolished by the appellant State and the surplus staff was ordered to be absorbed in the Industrial Training and Vocational Education Department. Learned Single Judge while allowing the writ petition has followed the Division Bench judgment of this Court rendered in the case of Kashmir Singh and Ors. v. State of Haryana and Ors. CWP No. 7944 of 2007, decided on 19.1.2010, Annexure P-4 and a judgment of Hon"ble the Supreme Court in the case of State of Haryana and Anr. v. Deepak Sood and Ors. Civil Appeal No. 4446 of 2008, decided on 15.7.2008.

2. It is not disputed before us that a similar order was passed by a Division Bench of this Court in the case of Darshan Lal and Ors. v. State of Haryana and Ors. CWP No. 11454 of 2004, decided on 8.5.2006 which has attained finality because the benefit of pay protection has been given to the petitioners in CWP No. 11454 of 2004, which was decided on 8.5.2006. There is no reason to deny the same benefit to the petitioner-respondent. The matter is squarely covered by the aforementioned Division Bench judgments rendered in the cases of Kashmir Singh (supra), Darshan Lal (supra) as also by the judgment of Hon"ble the

Supreme Court in the case of Deepak Sood (*supra*) and does not merit interference of this Court. It is also pertinent to mention here that we have already dismissed similar appeals filed by the appellant State, bearing LPA No. 786 of 2010 (State of Haryana and Ors. v. Mehar Chand and Anr.) decided on 12.7.2010 and LPA No. 819 of 2010 in CWP No. 2009 of 2009 (State of Haryana and Ors. v. Kuldeep Singh), decided on 16.7.2010. Accordingly, this appeal fails and the same is dismissed.

3. In view of the fact that the appeal itself has been dismissed on merit, we do not feel the necessity of passing any order in the miscellaneous applications filed along with the appeal.