



**CM-4609-CWP-2025 in
EA-14-2018 in CWP- No.3901 of 1996 (O&M) 1**

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

**CM-4609-CWP-2025 in
EA-14-2018 in
CWP- No.3901 of 1996 (O&M)
Date of Decision:03.04.2025**

**Baljit Singh and Others ..Petitioners
State of Punjab and others ..Respondents**
Versus

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. G.S. Bal, Sr. Advocate with
Ms. Gurneet Kaur, Advocate
for the petitioners.

Mr. T.P.S. Chawla, Sr. DAG, Punjab

HARSIMRAN SINGH SETHI, J.(ORAL)

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1. The present application has been filed for re-calling the order dated 07.01.2025, by which, the execution application filed by petitioners, was disposed of by this Court on the ground that all the payments required to be made to the petitioners have been duly made.

2. Learned Senior counsel appearing on behalf of the applicant-petitioners submit that after ascertaining the relevant facts, the said statement is not correct and, therefore, the order dated 07.01.2025, be recalled and the execution application be listed again and heard and be decided on merits.

3. Notice of motion.

4. Mr. T.P.S. Chawla, Sr. DAG, Punjab, who is present in the Court, accepts notice on behalf of the non-applicant and raises no objection, in case the order dated 07.01.2025 is recalled and the main writ petition is ordered to be restored to its original number.



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5. Ordered accordingly.
6. The main writ petition is ordered to be listed on Board today itself.

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7. Learned Senior counsel appearing on behalf of the petitioners argues that the petitioners were claiming benefits of minimum wages alongwith other allowances while working on temporary basis and filed the said writ petition in the year 1996 which remained pending upto 07.10.2012. Learned Senior counsel also submits that the said writ petition was decided in terms of the judgment passed by Division Bench in LPA-1024-2009 (Annexure A-2) on 30.08.2010. The benefit made admissible to the beneficiaries in LPA-1024-2009 was also granted to the petitioners vide order dated 10.02.2012. Learned Senior counsel submits that though the said order dated 10.02.2012 was challenged before Hon'ble Supreme Court of India and SLP was dismissed and, therefore the order passed by this Court on 10.02.2012 granting benefits in terms of LPA-1024 of 2009, attained finality. Learned Senior counsel also contends that in terms of the said judgment, the petitioners are entitled for the similar benefits, as admissible to them.
8. Learned counsel for the respondent submits that though vide order dated 10.02.2012, the writ petition filed by the execution-applicant was disposed of in terms of the judgment in LPA-1024-2009, but the judgment in LPA-1024-2009 was already modified by Hon'ble the Supreme Court of India and whatever the modification was done therein, the modified benefit has already been granted to the petitioners.



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9. Learned counsel for the respondent further submits that claim of the petitioners is that the petitioner should be granted the benefit, as per the judgment of the Division Bench in LPA-1024-2009 ignoring the modification of the same by Hon'ble Supreme Court of India, which is not permissible.

10. Learned Senior counsel appearing on behalf of the petitioners submits that even if the judgment in LPA-1024-2009 was amended by Hon'ble the Supreme Court of India, but as the SLP filed by the State against the order dated 10.02.2012 passed in the writ filed by the petitioners, has been dismissed, the petitioners are entitled for the benefits, as per the order dated 30.08.2010 in LPA-1024-2009 ignoring its modification by Hon'ble the Supreme Court of India and reliance has been placed upon the judgment in interim application No.16 in Civil Appeal No. 4339 of 1995, decided on 28.09.2006, titled as *Union of India vs. Madras Telephone SC & ST Social Welfare Association and in the matter of Promotee Telecom Engineers Forum and others vs. Secretary Department of Telecommunications and others.*

11. I have heard learned counsel for the parties and have gone through the documents annexed with the petition.

12. It may be noticed that writ petition filed by the petitioners was disposed of in terms of LPA-1024-2009, the relevant portion of the order is as under:-

“Consequently, the instant miscellaneous application is allowed and the main writ petition is disposed of in terms of the judgment dated 30.08.2010 passed by the Division Bench of this Court in LPA No. 1024-2009”.



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13. The above re-production would show that whatever benefits the respondents in LPA-1024-2009 were entitled to get, the same benefits were to be made admissible to the petitioners/applicants herein. Though, the SLP was filed against the order dated 10.02.2012 passed in CWP-3901 of 1996 but the same was dismissed by the Apex Court. After the dismissal, the net result is that the petitioners were held entitled for the benefit whatever, the respondents in LPA-1024-2009 would be getting. It is a conceded position that against the decision in LPA-1024-2009, a SLP was filed and the judgment in LPA-1024-2009, was ultimately amended by Hon'ble the Supreme Court of India while passing the order in a Bunch of petitions, titled as *State of Punjab and others vs. Baljit Singh and others.* That decision in LPA-1024-2009, as modified by Hon'ble the Supreme Court of India, was to be implemented qua the petitioners also. Herein, it is a conceded position that the order passed as per the amended judgment in LPA-1024-2009 has already been implemented and benefits have been granted but the claim of the petitioners is that the amendment done by Hon'ble the Supreme Court of India to the order in LPA-1024 of 2009 should not be made applicable upon the petitioners and the un-amended judgment of Division Bench in LPA-1024-2009 should be made applicable upon them. The said contention of the petitioners is not correct and thus cannot be accepted. Once the petitioners were granted the same benefits as were being granted to the respondents in LPA-1024-2009, in case the said judgment has been modified by the Apex Court, the petitioners will also be held entitled for the said modified relief only.



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14. The contention of learned Senior counsel is that once the SLP filed in the case of the petitioners, has been dismissed, the judgment between the parties become final. Though, it is correct that the judgment in LPA-1024-2009 which was to be implemented upon the petitioners attained finality, but, the modification of the said judgment in LPA-1024 of 2009 done by Hon'ble the Supreme Court of India at a later stage, cannot be ignored. It cannot be said that the respondents in LPA-1024-2009, will be entitled for the benefit as modified by Hon'ble the Supreme Court of India, whereas the petitioners will be entitled for the benefits ignoring the modification done by Hon'ble the Supreme Court of India. The judgment in *Madras Telephone SC & ST Social Welfare Association's case (supra)* will not be applicable in the facts and circumstances of the present case. In the said case, a benefit was given initially and thereafter, the question of law was changed by a subsequent judgment, which was being made applicable but, in the present case, the judgment on the basis of which, the petitioners were to be granted the benefits had been amended by Hon'ble the Supreme Court of India and, therefore, the application of the judgment in *Madras Telephone SC & ST Social Welfare Association's case (supra)* cannot be brought into the present case.

15. Keeping in view the fact that it is a conceded position that the judgment in LPA-1024-2009 as amended by Hon'ble the Supreme Court of India has already been implemented, qua the petitioners, no ground is made out to interfere.

16. Dismissed.



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17. Pending application(s), if any, also stand(s) disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

03.04.2025
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1. <i>Whether speaking/reasoned?</i>	Yes
2. Whether reportable?	Yes/No