

**(2013) 07 P&H CK 0419**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CWP No. 304 of 1996

Ashok Kumar Kalia and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

**Date of Decision:** July 1, 2013

**Hon'ble Judges:** Surya Kant, J; Surinder Gupta, J

**Bench:** Division Bench

**Advocate:** Ravi Varma in CWP No. 1222 of 1996, for the Appellant; J.S. Puri, Addl. A.G., Punjab, for the Respondent

**Judgement**

Surya Kant, J.

This order shall dispose of CWP Nos. 304 & 1222 of 1996 as the point involved in both the cases is the same. For brevity, facts are being extracted from CWP No. 304 of 1996.

2. The petitioners were working as Labour Inspector Grade-II at the time of filing of this writ petition. They have impugned the orders dated 14.9.1995, 21.12.1995 and 27.12.1995 (Annexures P-3, P-6 & P-7 respectively) whereby the State of Punjab decided to abolish the post of Labour Inspector Grade-II and services of the petitioners were sought to be dispensed with as having become surplus.

3. It may be mentioned here that the first and third petitioners had joined the department of Labour in the year 1969, whereas the petitioners No. 2 & 4 joined the same as direct recruits in the year 1991 and 1989 respectively.

4. We find from the record that while admitting this writ petition on 29.1.1996, a coordinate Bench stayed the operation of the impugned orders. Consequently, the posts of Labour Inspector Grade -II could not be abolished nor the services of petitioners were dispensed with. Resultantly, they continued in service.

5. Learned counsel for the petitioners points out that while some of them have retired from service on attaining the age of superannuation, the others have now been promoted on different higher posts, including as Assistant Labour

Commissioners etc. In our considered view, both the writ petitions have been rendered infructuous. We say so for the reason that those of the petitioners who have since retired from service on superannuation, are obviously entitled to all service benefits, including retiral benefits. The petitioners, who are still in service, are no longer holding the post of Labour Inspector Grade-II. They are occupying the higher posts, which have never been abolished. Consequently, their challenge to the abolition of the posts of Labour Inspector Grade-II has also become redundant. Ordered accordingly.