
Amarjit Singh Vs State of Punjab and Others

CWP No. 21660 of 2012 (O and M)

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 22, 2013

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: H.S. Sirohi, for the Appellant; Pankaj Mulwani, D.A.G., Punjab, for the Respondent

Final Decision: Allowed

Judgement

Tejinder Singh Dhindsa, J.

The instant writ petition has been filed impugning the order dated 17.10.2011 (Annexure P-3) passed by the

General Manager, Punjab Roadways, Rupnagar, whereby the pensionary/retiral benefits and other service benefits in the nature of leave

encashment/annual increments etc. for the period w.e.f. 13.10.1983 to 19.8.1991 have been denied to him. The facts of the present case are in a

very narrow compass. Undisputedly, the petitioner was appointed on the post of Turner with the Punjab Roadways on 13.10.1983. His services

were terminated on 29.11.1984. In pursuance to a reference having been made, the Labour Court, U.T. Chandigarh passed an award dated

2.2.1990 (Annexure P-1) holding the termination of the services of the petitioner to be bad in law and accordingly, he was reinstated having been

held entitled to continuity of service along with full back wages. The respondent-department challenged the award by filing CWP No. 14045 of

1991, which was decided vide order dated 6.7.2010 at Annexure P-2. While disposing of the writ petition, this Court held that the petitioner is to

be allowed to continue in service as per the mandate of the award. However, upon recording the statement made by learned counsel appearing for

the respondent/workman (present petitioner), he was not held entitled to the back wages. Clearly, in terms of order dated 6.7.2010 passed by this

Court in CWP No. 14045 of 1991 the Labour Court award dated 2.2.1990 was modified only to the extent of denial of back wages for the

period in question i.e. 13.10.1983 to 19.8.1991. As regards the relief of continuity in service granted by the Labour Court, the same stood

affirmed even by this Court.

2. A perusal of the impugned order would reveal that the order passed by this Court while disposing of CWP No. 14045 of 1991 is being read in

a manner that the service period of the petitioner w.e.f. 13.10.1983 to 19.8.1991, even though, is being taken as duty period but no financial

benefit in lieu thereof is being granted. Consequently, the petitioner is even being denied the benefit of pension, leave encashment and annual

increments for the period in question. The same line of reasoning had been adopted even in the written statement filed on behalf of respondents no.

1 to 3.

3. Having heard learned counsel for the parties and having perused the pleadings on record, I am of the considered view that the impugned order

cannot sustain.

4. The petitioner has been denied the benefit of pension and other service benefits for the period 13.10.1983 to 19.8.1991 on a clear misreading

of the award dated 2.2.1990 passed by the Labour Court as also the order dated 6.7.2010 passed by this Court in CWP No. 14045 of 1991. In

the light of the award at Annexure P-1, the petitioner has been granted the benefit of continuity in service with full back wages. Such award has

been modified only to the extent of denial of back wages. The benefit towards continuity in service was in fact affirmed by this Court in the order

dated 6.7.2010 at Annexure P-2. The impugned order suffers from a total non-application of mind and has been passed by clearly misconstruing

the benefit granted to the petitioner as regards continuity of service by the Labour Court and duly affirmed even by this Court.

5. For the reasons recorded above, the writ petition is allowed. The order dated 17.10.2011 (Annexure P-3) is quashed. It is directed that the

petitioner be granted the pensionary benefits as also other service benefits in the nature of leave encashment/annual increments etc. even for the

period w.e.f. 13.10.1983 to 19.8.1991 and the exercise of computation of such benefits be completed within a period of two months from the

date of receipt of a certified copy of this order. The resultant financial benefits be released to the petitioner immediately thereafter. Petitioner is

further held entitled to litigation costs, which are assessed at Rs. 5,000/-. Petition allowed in the aforesaid terms.