

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

CWP No.17454 of 2011

Date of decision : 22.04.2015

Dilbagh Singh

....Appellant

versus

Secretary, State Transport Department and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Sodhi, Advocate,
for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab.

RITU BAHRI, J.

This petition under Article 226 of the Constitution of India is for quashing of the order dated 21.05.2010 (Annexure P-21) passed by General Manager, Punjab Roadways, Chandigarh-respondent No.4 and orders dated 12.04.2005 & 22.07.2005 (Annexures P-10 and P-11), whereby period from 10.01.1983 to 29.05.1989 has not been considered for fixing the pay of the petitioner. Further prayer has been made for release of arrears of pay.

A perusal of order dated 21.05.2010 (Annexure P-21) shows that Dilbagh Singh-petitioner was taken back in service pursuant to his affidavit dated 07.01.1989, wherein he had stated that he should be taken back on duty subject to the decision of any appeal filed by the respondent-department. Since, RSA No.1143 of 1989 was pending before this Court, no benefit was extended to the petitioner for the period when he remained

out of service i.e. from 10.01.1983 to 29.05.1989. The aforesaid regular second appeal (RSA) has now been dismissed vide order of even date passed by this Court.

In the written statement filed on behalf of respondent Nos. 1 to 4 in the shape of affidavit dated 22.04.2015 of General Manager, Punjab Roadways, Chandigarh, it is admitted that the petitioner was reinstated on 29.05.1989 pursuant to an affidavit dated 07.01.1989 (Annexure R-1), subject to the decision of RSA No.1143 of 1989.

Plaintiff had joined back his duties about 26 years back. Since the judgment passed by the lower appellate Court has already been implemented and termination order of the petitioner has been set aside, the petitioner is entitled for all the benefits with effect from the date of termination order dated 10.01.1983 till he was reinstated on 29.05.1989 for the purpose of fixation of his pay and other consequential benefits.

Since, RSA No.1143 of 1989 has already been dismissed vide order of even date, the impugned order dated 21.05.2010 (Annexure P-21) is set aside and a direction is given to the respondents to decide the matter afresh and refix the salary of the petitioner while taking into consideration the period from 10.01.1983 to 29.05.1989, within a period of four months from the date of receipt of certified copy of this order and compliance report thereof, be sent to this Court.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

22.04.2015
ajp