

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.1082 of 2013 (O&M)
Date of Decision: March 31, 2015

Jaswant Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present:Ms.Anju Arora, Advocate, for the appellant.
Mr.Aman Bahri, Additional AG, Punjab.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

This letters patent appeal impugns the order dated 24.01.2012 whereby learned Single Judge has dismissed the appellant's writ petition in which he challenged the order of termination of his services as a Clerk, on the ground that despite sufficient opportunities he failed to qualify the type test.

It is an admitted case that one of the writ-petitioner (Mukhtiar Masih) challenged the above-stated order of learned Single Judge in LPA No.1123 of 2012 (Mukhtiar Masih versus State of Punjab and others) which was allowed by a Division Bench of this Court vide judgment dated 12.02.2013. The Letters Patent Bench directed reinstatement of that appellant in service with all consequential benefits except the salary for the intervening period.

It is also an admitted fact that the above-cited judgment has been challenged by the State of Punjab in SLP (Civil) No.6233 of 2014 and the Hon'ble Supreme Court has stayed operation of the judgment passed by Division Bench of this Court. The above-stated SLP is now listed for hearing on 08.07.2015.

It may thus be seen that the fate of the appellant's case entirely depends upon the outcome of the SLP filed by the State of Punjab. If their Lordships of the Hon'ble Supreme Court disapprove the view taken by the Division Bench of this Court and restores that of the learned Single Judge, the appellant will obviously have no claim to seek reinstatement. However, if the SLP filed by the State is dismissed, in that case the appellant will also be entitled to reinstatement in service with all consequential benefits except the arrears of pay for the intervening period.

Learned counsel, on instructions, states that the appellant has no objection if the instant appeal is disposed of in the above terms.

Learned State counsel also has no objections for this arrangement, for the reason that such a recourse would save both the parties from avoidable expenditure to be incurred on further litigation.

We, ,thus, dispose of this appeal with a direction that if the SLP preferred by the State of Punjab in the case of Mukhtiar Masih is dismissed by the Hon'ble Supreme Court, the appellant shall be reinstated in service with all consequential benefits except arrears of pay, within a period of one month from the date of decision of the Hon'ble Supreme Court. However, if the SLP preferred by the State is allowed

and the Division Bench judgment in Mukhtiar Masih's case is set-aside, then the instant letters patent appeal shall have to be taken to be dismissed on merits.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 31, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE