

LPA No. 1719 of 2015

Date of Decision: 2.12.2015

Pepsu Road Transport Corporation

---Appellant

versus

Varinder Singh and another

---Respondents

**Coram: Hon'ble Mr. Justice Rajive Bhalla
Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Harsh Aggarwal, Advocate
for the appellant**

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

Rekha Mittal, J.

The present appeal lays challenge to the judgment dated 3.9.2015 passed by the learned Single Judge allowing the writ petition filed by the respondent and holding him entitled to count the period from 18.9.1978 to 31.10.1995 for the purpose of grant of retiral benefits with a direction to the appellant to settle the monetary benefits within a period of 08 weeks payable alongwith interest at the rate of 9% per annum.

Counsel for the appellant contends that as the respondent remained out of service from 18.9.1978 to 31.10.1995 due to termination of his services, the said period cannot be counted for the purpose of pensionary benefits. Though termination of the respondent was set aside by the Labour Court but he was allowed to be reinstated in service without

awarding him back wages for the aforesaid period.

We have heard counsel for the appellant, perused the records and the judgment passed by the learned Single Judge and find no merit in the appeal.

Counsel for the appellant has not disputed that the award passed by the Labour Court holding that termination was illegal and reinstatement was ordered became the subject matter of Civil Writ Petition No. 14438 of 1995. The writ petition was dismissed on 13.7.2009 by affirming the award passed by the Labour Court, Patiala but with a modification that the workman shall be fully entitled to retiral benefits. It is not denied that the judgment passed by this Court on 13.7.2009 has attained finality. It is surprising rather shocking that despite the decision by this Court holding the respondent entitle to retiral benefits as a consequence of his reinstatement in service, the appellant without bothering about the decision has denied retiral benefits for the period in question and may in these circumstances entail contempt proceedings.

For the reasons aforesaid, the appeal is dismissed in limine with no order as to costs.

(Rajive Bhalla)
Judge

(Rekha Mittal)
Judge

2.12.2015

PARAMJIT