

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.6384 of 2014 (O&M)

Date of Decision.10.09.2015

Amar Nath Neogi Team Leader

.....Appellant

Versus

Feed Back Ventures P. Ltd. and others

.....Respondents

Present: Ms. Meenakshi Poswal, Advocate for
Mr. R.S. Mamli, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. Delay of 49 days in refiling the appeal is condoned.
2. The plaintiff claims that he joined services of the defendant company as Bridge Engineer on 7.9.2009 but he was terminated from service on 15.06.2011 without giving him any notice. The terminal benefits were also not given. The plaintiff would, therefore, file a suit for mandatory relief for reappointment. The two Courts below have declined the relief. The suit itself was incompetent as barred under Section 15 of the Specific Relief Act. There can be no specific enforcement of any service except in three situations. One, for a service which is protected under Article 311 of the Constitution. Two, when the service is under the Corporation which is a creature of statute and the conditions of service regulated by rules and regulations and the termination came to be done in breach of such regulation. Three, when

the service is that of a workman to whom the benefit of labour legislation is applicable and relief of reinstatement is possible under specific labour statute before the competent authority. Any other person who feels himself aggrieved about the illegal termination would have only a benefit of relief for damages and not for any mandatory relief that the termination was bad in law.

3. The suit was incompetent and correctly dismissed by the two Courts below. The point of law involved is against the plaintiff and therefore, the second appeal is dismissed.

(K. KANNAN)
JUDGE

September 10, 2015
Pankaj*