

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.590 of 1990 (O&M)
Date of Decision:- 30.08.2016.

State of Haryana and another

.....Appellants

Versus

Krishan (Now Deceased) Through his LRs

.....Respondents

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

Present: Mr. Anil Mehta, DAG, Haryana.

Mr. Ravinder Malik, Advocate for respondent No.1.

None for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

The State have filed the present appeal questioning the validity of the Trial Court order dated 10.3.1989 and Appellate Court order dated 7.9.1989. The respondents were stated to have appointed on daily wage basis to the post of Beldar on 5.10.1982 and 1.3.1983, respectively. Their services were terminated on 15.9.1984 and 2.9.1984, respectively. Both the respondents filed a suit before the Trial Court questioning the validity of the termination. The Trial Court in view of the **“Piara Singh and another Vs. State of Haryana and others 1988 (4) SLR 739”** decreed the suit that the respondents are entitled for the relief sought like reinstatement as Beldars in the Drainage Department of Haryana. Drainage Department – State of Haryana as well as the respondents herein filed appeals. The Appellate

Court dismissed the State appeal whereas the respondents' appeal was allowed to the extent that they are entitled for consequential benefits. Thus, the State has preferred the present appeal. During pendency of the present lis, Supreme Court in the case of State of Karnataka Vs. Uma Devi JT 2006 (4) SC 420 and thereafter, in Satya Prakash Vs. State of Bihar 2010 (4) SCC 179 and Hari Nandan Prasad and another Vs. Employer I/R to Management of Food Corporation of India and another 2014 (7) SCC 190, held that if the workmen are not working against sanctioned post, they are not entitled for reinstatement and regularization. At the best they are entitled for compensation. In view of the above rulings of the Supreme Court, the respondents are not entitled for reinstatement with consequential benefits as held by the Trial Court as well as Appellate Court. The Trial Court order dated 10.3.1989 as well as Appellate Court order dated 7.9.1989 are set aside. Each respondent is entitled to compensation of ₹ 2,00,000/- Therefore, compensation of ₹ 2,00,000/- to each of the respondent be paid by the appellants within a period of four months from today.

Appeal stands allowed.

(P.B. BAJANTHRI)
JUDGE

August 30, 2016.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.