

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.641 of 1992 (O&M)
Date of Decision:- 27.09.2016.

State of Haryana and others

.....Appellants

Versus

Rajesh Kumar

.....Respondent

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

Present: Mr. Keshav Gupta, AAG, Haryana for the appellants.

Mr. J.S. Maanipur, Advocate for the respondent.

P.B. BAJANTHRI, J. (Oral)

CM No.12118-C of 2016

CM for disposal of the RSA No.641 of 1992 is allowed as prayed for subject to all just exceptions.

RSA No.641 of 1992

In the instant appeal, State of Haryana challenged the order passed by the Trial Court as well as Appellate Court dated 27.2.1991 and 23.11.1991, respectively.

The respondent was appointed as a Tracer on 28.11.1985. His services were terminated on 17.8.1988 which was the subject matter before the Trial Court. Trial Court decreed the suit on 27.2.1991. The appellants feeling aggrieved by the order of the Trial Court preferred appeal before the Appellate Court. On 23.11.1991, State's appeal was dismissed while upholding the order of the Trial Court. In view of the facts and circumstances, on 20.11.1992, the

respondent was taken back to duty. The Appellate Court while dealing with the

order of termination of the respondent herein further directed the appellants-State of Haryana to regularize the service of the respondent in view of **State of Haryana and others Vs. Piara Singh and others 1992 AIR 2130.** The appellants have presented this appeal stating that Appellate Court exceeded its jurisdiction in directing them to regularize the service of the respondent herein. No doubt, the Appellate Court has exceeded its jurisdiction in respect of directing the appellants to regularize the services of the respondent which was not the subject matter. At the same time, one should look into the consequential benefit after setting aside the order of termination. In other words, respondent's position would be restored and consequently, the intervening period if any of his colleagues or who are similarly situated persons' services have been regularized and other service benefits, if any, the same shall have to be extended to the workman. At this belated stage, it is not appropriate for respondent-workman to approach once again for the purpose of seeking service benefits for the intervening period etc. Therefore, the direction issued by the Appellate Court to regularize the service of the respondent-workman is set aside. However, setting aside the directions to the appellants to regularize the services of the respondent would not come in the way of appellants to consider the service particulars of the respondent for the purpose of regularization on par with the others who were similarly situated employees as on that particular date. Such exercise shall be completed by the appellants and to pass speaking order within a period of six months from today.

Accordingly, appeal is allowed in part.

(P.B. BAJANTHRI)
JUDGE

September 27, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.