

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

331a

RSA No. 548 of 1989 (O&M)

Date of decision: 17.08.2016

Gurdial Singh

.... Appellant

Versus

State of Punjab through Collector Gurdaspur

.... Respondent

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: None for the appellant.

Mr. Rupam Aggarwal, DAG, Punjab.

P.B. Bajanthri, J. (Oral)

In the present appeal, appellant has assailed the order dated 12.09.1988 whereby the appellate Court modified the trial court order in so far as service benefits is concerned stating that appellant-Gurdial Singh is not entitled to pay upto the date of reinstatement in service over and above what he got during the suspension period since he succeeded on technical grounds. Once, the court held that the order is illegal and set aside consequently, effect of quashing of an order would be restoration of original position. When appellant is entitled for service benefits during the intervening period modification of the decree by the appellate Court is incorrect. Moreover, it was noticed that if the order is held to be bad on technical grounds the matter could have been remitted back to the concerned authority to recommence the proceedings from the defective stage. Matter is of the year 1989. At this belated stage, it is not appropriate

to remand the matter. Therefore, the appellant-Gurdial Singh is entitled for consequential service including monetary benefits. However, it is made clear that he is not entitled for interest on monetary benefits.

Disposed of.

17.08.2016

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No