

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1258 of 2016 (O&M)

Date of Decision: September 16, 2016

Swaranjit Kaur and another

.....Appellants

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Anil Rathee, Advocate, for the appellants.

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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?

Surya Kant, J. (Oral)

This letters patent appeal assails the order dated 11.04.2016 whereby learned Single Judge has declined to award arrears of pay to the appellants for the period from May, 1992 to October, 1993 when they were out of service due to termination of services.

Learned Single Judge has taken notice of the settled principles of law that ordinarily when termination order is set-aside, the consequential benefits must follow, namely, the arrears of pay would be admissible. He has nevertheless drawn distinction keeping in view the fact that it was not a case where any executive authority was responsible for illegal and reckless termination of services of the appellants. It is a case where the appellants had obtained JBT degrees from the State of Haryana which were de-recognized for Government service in the State of Punjab. Resultantly, the

services of appellants were terminated. The matter was agitated before this Court and finally it reached before Full Bench to determine whether the incumbents who had obtained diploma/degree from the State of Haryana are eligible for public employment in the State of Punjab? The question was answered in affirmative and the appellants' termination orders stood set-aside. As there were contentious issues, hence the learned Single Judge has rightly held that consequential benefits cannot follow automatically. On the same premise, the decision of the Hon'ble Supreme Court in Shobha Ram Raturi versus Haryana Vidyut Prasaran Nigam Limited and others, 2016(1) SLR 494 is also distinguishable.

For the reasons afore-stated, we do not find any merit in this appeal which is accordingly dismissed.

[SURYA KANT]
JUDGE

September 16, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No