

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.206 of 2015 (O&M)

Date of Decision: 29.08.2016

Haryana Land Reclamation and
Development Corporation Ltd.

... Appellant

VS.

Nafe Singh & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|--|------------|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | No |
| 4. To be referred to the Reporters or not? | No |
| 5. Whether the judgment should be reported in the Digest? | No |

Present: None

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 17.11.2014 whereby learned Single Judge allowed the writ petition filed by respondent No.1 (since dead) and quashed the order of his compulsory retirement with consequential benefits along with interest @ 9% per annum.

(2) The writ petition was allowed observing that no one came forward on behalf of the two appellant-Corporation to assist the Court.

(3) While issuing notice in this appeal on 06.02.2015, the order passed by learned Single Judge was stayed in part to the extent of backwages. Thereafter, it was reported on 28.05.2015 that respondent No.1 has unfortunately passed away. His legal representatives were directed to be brought on record. Three opportunities have been granted but till date the legal representatives of respondent No.1 have not been impleaded. Since the appellant has failed to bring the legal representatives of the deceased on record despite sufficient opportunities, we are satisfied that the appeal

deserves to be dismissed for non-prosecution.

(4) On merits also, it appears that the view taken by learned Single Judge is plausible and warrants no interference. Before retiring the deceased employee compulsorily and purportedly in public interest, numerous orders including Annexure P1 & P4 were passed granting him different service benefits including crossing of efficiency bar. It is not understandable that if the deceased was efficient enough to be allowed to cross the efficiency bar, how could then he be treated as dead-wood to be retired compulsorily? Apparently, there is conflict between the two administrative decisions taken by the authorities which prompted learned Single Judge to set aside the order of compulsory retirement. Even if two views are possible, we are not inclined to take a different view as the respondent has meanwhile passed away and the monetary benefits, if any, would be admissible to his legal representatives.

(5) Dismissed.

(6) The interim order dated 06.02.2015 stands recalled.

CM-401-LPA-2015

Since the appeal has been dismissed on merits, no specific order is required to be passed in this application seeking condonation of delay of 42 days in filing the appeal.

Disposed of.

(Surya Kant)
Judge

29.08.2016
vishal shonkar

(Sudip Ahluwalia)
Judge