

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1844-2016 (O&M)

Date of Decision: September 21, 2016

Rani Bhullar

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.R.K.Arora, Advocate
for the appellant.

.....

SURYA KANT, J.

The appellant was a candidate for the post of JBT/Elementary Trained Teacher. She was not selected despite being higher in merit. In a fact finding enquiry held in the year 2012 it was found that the appellant despite being higher in merit was not selected in the year 1997. The correctional steps were thus taken by the authorities and the appellant stood appointed. Learned Single Judge vide order under appeal dated 02.05.2016 has granted all other service benefits to the appellant w.e.f. 15.08.1997 as per her merit except that instead of full amount of arrears of pay, a lump sum amount of Rs.2.5 lacs has been ordered to be paid to her as compensation in lieu of such arrears.

In this Letters Patent Appeal, the appellant seeks payment of full arrears of pay.

We have heard learned counsel for the appellant.

We are, however, not inclined to interfere with the order passed

by learned Single Judge for various reasons, namely, (i) discretion exercised by a writ Court unless found to be *ex facie* illegal or unjust, need not to be interfered with by the Appellate Court; (ii) the appellant has actually not served on the post in question but since she was deprived due to illegal action of the Authority, she has been adequately compensated; and (iii) so far as service benefits including seniority is concerned, the same has been restored in favour of the appellant.

For the reasons afore-stated, it is held that appellant is not entitled to claim all the arrears of pay.

Dismissed.

**(SURYA KANT)
JUDGE**

September 21, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No