

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

102

RSA-4388-2015

Date of Decision : 13.11.2017

Vikrant Prasher

..... Appellant

Versus

HDFC Standard Life Insurance Company Ltd. and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the courts below dismissing the suit of the appellant for seeking declaration that the termination letter issued to him by the respondents is null and void, illegal, ineffective, inoperative and not binding upon the rights of the appellant with consequential relief of Mandatory Injunction directing the respondents to reinstate the services of the appellant with retrospective effect and pay the complete salary since 01.03.2011 upto date and allowances.

The appellant was appointed as a Branch Sales Manager in the respondents which is a private company. Both the courts held that Section 14 of the Specific Relief Act barred a suit for restoration of services in view of the judgments *Apollo Tyres Ltd. vs. C.P. Sabastian, 2011(2) SCT 420* and further found that in the contract of appointment Ex.PB Clause 11(b) gave a unilateral right to the employer to terminate the services without

Counsel for the appellant has argued that the premise that on which both courts below have proceeded to dismiss the case is flawed. He has relied upon various judgments including *Rajasthan State Road Transport Corporation vs. Bal Mukund Bairwa, (2009) 4 SCC 299*. However, all those are cases where the employer came within the ambit of 'State' and not private companies. The judgment which would hold the field would be that of Apollo Tyres Ltd. (Supra).

Consequently, the appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

November 13, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No