

**CM-1496-LPA-2015 in/and
LPA-718-2015 (O&M)**

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

**CM-1496-LPA-2015 in/and
LPA-718-2015 (O&M)
Date of Decision: August 13, 2018**

Punjab State Transmission Corporation Limited and another
.....Appellants
Versus

Sukhvir Singh and another
.....Respondents

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

Present: Mr.Vikas Chatrath, Advocate with
Mr.Aditya Pandey, Advocate for the appellants.

Mr.Prateek Pandit, Advocate for respondent No.1.

.....

SURYA KANT, J.(ORAL)

The appellant-Corporation is aggrieved by the order dated March 26, 2015 whereby learned Single Judge has directed to appoint respondent No.1 as Junior Engineer (Civil) w.e.f. 01.03.2013 with all consequential benefits including continuity of service.

[2] The facts may be noticed briefly:-

[3] The appellant invited applications for filling up 44 posts of Junior Engineer(Civil), out of which 21 were to be filled from amongst the 'General Category candidates'. The selection criteria comprised written test followed by an interview. It is an admitted fact that only 20 out of 21 posts, meant for General Category were filled and the last person appointed against the 20th post was one Parveen Kumar son of Lachman Dass, who stood at

merit No.31 in the merit list. One more post, thus, remained unfilled. The next candidate in order of merit Kushaldeep Singh Randhawa did not appear for interview and respondent No.1 was the next candidate in order of merit. It is in this backdrop that learned Single Judge, vide order under appeal, has held respondent No.1 entitled for appointment w.e.f. 01.03.2013 with all consequential benefits and continuity of service.

[4] When this appeal came up for hearing on 08.05.2015, the following order was passed:-

“Learned counsel for the appellants submits that in terms of the impugned order dated 26.03.2015 passed by the learned Single Judge, respondent No.1 has been permitted to join his duty on the post of Junior Engineer (Civil). However, learned counsel contends that the appellants are questioning the part of the direction issued by the learned Single Judge with regard to grant of all consequential benefits including pay etc. to respondent No.1 with effect from 01.03.2013, on the principle of “No work no pay”. It has been submitted that though the appellants are willing to give continuity of service to respondent No.1 from the said date, but they are only questioning the direction with regard to payment of all consequential benefits to him from the said date.”

[5] It is, thus, not in dispute that the first respondent has already been appointed w.e.f. 10.06.2015 and his pay has also been notionally fixed w.e.f. 01.03.2013. He will be, thus, deemed to be in service w.e.f. 01.03.2013 for all intents and purposes.

[6] The only issue which survives for consideration is whether or not the 1st respondent be granted arrears of pay w.e.f. 01.03.2013 to

[7] We have heard learned counsel for the parties in this regard and are of the view that since there was no deliberate move by the appellant-authorities to deny appointment to 1st respondent, coupled with the fact that principle of 'No Work No Pay" can also be pressed into aid in such like situation, it is held that respondent No.1 is entitled to only notional appointment w.e.f. 01.03.2013 with continuity of service, namely, seniority and pay fixation, which shall be fixed notionally w.e.f. 01.03.2013. In other words, the order passed by learned Single Judge to the extent of awarding arrears of pay/back-wages is set aside.

[8] The appeal stands allowed in part in above terms.

**(SURYA KANT)
JUDGE**

August 13, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |