

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

LPA-1894-2018 (O&M)

Date of decision:- 05.12.2018

The Karnal Cooperative Sugar Mills Limited

...Appellant

Versus

Som Dass and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Pawan Kumar Mutneja, Advocate,
for the appellant.

Mr. Jaspal Singh Maanipur, Advocate,
for the caveators-respondents.

* * * *

KRISHNA MURARI, C.J. (ORAL)

This intra court appeal under clause X of the Letters Patent is directed against the judgement and order dated 17.10.2018 passed by learned Single Judge allowing the writ petition filed by the petitioners (respondents herein) by making the following observations:-

"23. As a result of the foregoing discussion, this petition is allowed. The reasoning in the impugned reply dated 5th July, 2013 (Annex. P-6) is quashed so also the consequential orders negative to the interest of the petitioners. The petitioners are held entitled to pay and allowances for the period "6.7.2009 to 15.2.2011". The arrears of difference of daily wages already paid to them and the pay in the pay scale of the promotional post for the aforesaid period be calculated and paid to the petitioners within three months from the date of receipt of a certified copy of this order. Interest on principal sum of money is denied due to operation of stay order. No costs."

2. It is undisputed that the respondents were promoted to the post of Cane Kamdar/Runner (Seasonal), but on account of an interim order passed by this Court on 08.07.2009 in a writ petition being CWP-9858-2009 filed by third party, the promotion order dated 06.07.2009 could not be given effect to. After the dismissal of the writ petition on 14.02.2011, the order passed in favour of the respondents came into effect and they were allowed to join the promotional post. Thereafter, they approached this Court seeking the relief that they were entitled to payment of arrears of salary and other consequential benefits w.e.f. 06.07.2009 when the initial promotion order was passed. Learned Single Judge applying the principle that nobody should be prejudiced on account of an act of the Court allowed the writ petition by making the directions quoted hereinabove.

3. Learned counsel for the appellant vehemently contended that the principle of jeopardy equally applies with force and the appellant also cannot be placed in a disadvantageous position because of the order passed by this Court and since the respondents herein did not discharge their duties on account of the interim order, on the principle of no work no pay, they would not be entitled to the arrears of salary and other consequential benefits for this period.

4. At this stage, Mr. J.S. Maanipur, learned counsel appearing for the respondents, vehemently states that in case the respondents are granted all other consequential benefits, they would not make their claim to the arrears of pay and wages for the said period.

5. Learned counsel for the appellant has agreed to the suggestion made by learned counsel for the respondents.

6. In such circumstances, the appeal stands disposed of with the direction that the appellant shall extend all consequential benefits except for arrears of pay and wages to the respondents during the period stay order was in operation.

7. The judgement and order passed by learned Single Judge stands modified to the extent indicated above. The appeal accordingly stands allowed to the above extent.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

05.12.2018
Anodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No