

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

**LPA No.596 of 2018 (O&M)
Date of Decision :13.12.2018**

Chief Administrator, Housing Board Haryana and another

.....Appellants

Versus

Inder Singh and another

..... Respondents

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

Present : Mr. Deepak Sabherwal, Advocate for the appellants.

Mr. Dinesh Kumar, Advocate for respondent No.1.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, is directed against the judgment and order dated 6.2.2017, passed by the learned Single Judge allowing the writ petition as well as the order dated 11.12.2017, dismissing the review application filed by the appellant.

Admittedly the petitioner-respondent was dismissed from service and on his appeal being allowed, he was reinstated. The issue before the learned Single Judge was in respect of payment of wages for the period he remained out of service on account of the dismissal order. Learned Single Judge vide order dated 6.2.2017 allowed the writ petition and commanded the respondents to calculate arrears of pay for the period from 13.01.2006 to 24.06.2009 and to disburse the same. A review application was filed by the appellant on the ground that the petitioner was

also subjected to in 9 criminal matters which resulted in punishment as such he would not be entitled for payment of back-wages.

This fact has not been at all taken into account while deciding the the review application, rather, it is submitted that the review application has been decided on totally irrelevant consideration ground. Be that as it may, it is not disputed between the parties that amount which was due to be paid under the orders of the learned Single Judge has already been paid by the appellant on 11.01.2018, appeal has been filed subsequently on 19.03.2018. The amount paid i.e. Rs.2,44,072/-, is too meagre. Once the amount has been paid by the appellant without any reservation and the appeal has been filed subsequent thereto we are not inclined to interfere in the matter only for academic interest, and particularly when the appellant has already retired from service on attaining the age of superannuation in 2012. At this stage, learned counsel for the appellant states that this may not be treated as a precedent. Considering the facts we dismissed this appeal for the reasons stated herein above, however, the issue arising herein and adjudicated in the manner by the learned Single Judge shall not be treated as precedent in future cases.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.12.2018

Manoj Bhutani

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