

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5643 of 2006 (O&M)
Date of Order:22.02.2019

PEPSU ROAD TRANSPORT CORPORATION

..Petitioner

Versus

RAM NATH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.P.Garg, Advocate, with
Ms. Aastha Goyal, Advocate,
for the petitioner.

ANIL KSHETARPAL, J.(Oral)

Inspite of service through publication respondent has not appeared.

Pepsu Road Transport Corporation is in the revision petition against the order passed by the learned Executing Court directing it to treat the respondent as a State Government employee and consequently entitled to consequential benefits.

It may be noted that the appeal filed by the respondent-Ram Nath was decreed on the basis of statement given by learned counsel for the Pepsu Road Transport Corporation. The order passed by the first appellate court dated 07.02.2002 is extracted as under:-

“During the course of arguments in this case Sh. K.S.Cheema, Adv. for the respondent/PRTC has made a statement that PRTC would pay the leave encashment

dues to the appellant Ram Nath in view of the law laid down in the writ petition No.11908 of 1992 decided on 11.01.2002 by Hon'ble Mrs. Justice Bakshish Kaur, within a period of 2 ½ months if found due. On the basis of statement made by Sh. K.S.Cheema, Adv., Sh. S.K.Sharma, Adv., for the appellant has withdrawn his appeal by making a statement. In view of the statement made by counsel for the appellant, the present appeal is, hereby, dismissed as withdrawn. Respondents are being given a period of 2 ½ months to make the payment of leave encashment to the appellant if found due in terms of the Judgment and under the Rules. Trial Court file be sent back. Appeal file be consigned to the record room."

It is apparent from the reading of the order which is sought to be executed that statement was given on the basis of a judgment passed by the High Court in CWP No.11908 of 1992 decided on 11.01.2002. There was no blanket statement that the respondent is entitled to the benefit. Rather the statement has been couched in a language that if there are any pending and payable.

Learned counsel for the petitioner has pointed out that the judgment passed in CWP No.11908 of 1992 which was affirmed in LPA has been set aside by the Hon'ble Supreme Court in Civil Appeal No.4703 of 2009, decided on 08.08.2016. On careful reading of the aforesaid judgment, it is apparent that the Hon'ble Supreme court had held that the employees of the Pepsu Road Transport corporation are not government servants.

In view of the aforesaid, it is declared that the respondent was

an employee of the Pepsu Road Transport Corporation and he would claim benefit as a government servant. Hence, consequences would follow.

Revision petition stands disposed of accordingly.

February 22, 2019
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(ANIL KSHETARPAL)
JUDGE

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