

**CM-934-C-2016 &
R.S.A. NO.296 OF 2016**

:{ 1 }:

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

106

**CM-934-C-2016 &
R.S.A. NO.296 OF 2016
DATE OF DECISION: APRIL 08, 2019**

UTTAR HARYANA BIJLI VITRAN NIGAM LIMITED & ANR

.....Petitioner

VERSUS

A.K. GARG

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R. S. Longia, Advocate,
for the petitioners.

Mr. V. K. Jindal, Sr.Advocate with
Mr. Gopal Soni, Advocate,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On the last date of hearing, counsel for the appellants had referred to and placed on record communication dated 23.05.2018, which has been received from the Chairman-cum-Managing Director, UHBHVNL, according to which respondent, A.K.Garg, stands promoted as Superintending Engineer vide office order No.650 dated 07.10.2017 with effect from 14.11.2006, the date his juniors were promoted as Executive Engineers and subsequently as Superintending Engineers. An undertaking dated 10.05.2018 has been given by Sh.A.K.Garg, respondent herein, that he would give up his actual financial benefits from the date of his promotion to the date when he was promoted as a Superintending Engineer

i.e. 07.10.2017. He has also prayed that the present Regular Second Appeal be partly allowed to the extent that judgment and decree challenged be modified that he is not claiming the arrears of pay and allowances for the said period.

Learned senior counsel for the respondent states that the undertaking is that of Sh.A.K.Garg, respondent, and he further states that the respondent has no objection if the present appeal is allowed to the extent as recorded above with the modification of the decree accordingly.

In the light of the above, the present appeal is partly allowed to the extent that the respondent shall not be entitled to actual financial benefits such as arrears of pay and allowances for the period from 14.11.2006 till 07.10.2017 but would, however, be entitled to all other consequential benefits. The decree passed by the Courts below stands modified to that extent.

Since the main appeal stands partly allowed, no orders are required to be passed on C.M. No.934 C of 2016.

**April 08, 2019
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No