

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

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Regular Second Appeal No.5770 of 2016
Date of Decision: April 22nd, 2019

Smt. Iqbal Kaur

...Appellant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.K. Brinda, Advocate
for the appellant.

Mr. T.P.S. Chawla, Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned counsel for the appellant restricts his claim with regard to the denial of consequential benefits because of the ordering of *de novo* inquiry into the matter as there were technical flaws found in the proceedings which have been held by the respondents. He contends that the order of termination dated 06.04.2009 has been found to be illegal by both the Courts below, however, while passing an order of *de novo* inquiry, the consequential benefits have been denied to the appellant, although it has been held that the appellant shall be entitled to reinstatement in service. He, thus, contends that although the appellant at this stage is not challenging the aspect of holding a *de novo* inquiry against her but the consequential benefits she would be entitled to once an order has been said to be not in accordance with law.

2. Learned counsel for the respondents, on the other hand, contest the claim of the counsel for the appellant by asserting that services of the appellant were terminated on the ground that the Scheduled Castes certificate which has been submitted by the appellant was issued by the competent authority but not in consonance with law. He, therefore, contends

that the question of consequential benefits has been left open by the Appellate Court keeping in view the nature of allegations against the appellant.

3. I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records of the case as also the impugned judgments.

4. Factually it is not disputed that services of the appellant were terminated on the allegation that the Scheduled Castes certificate submitted by her was not in consonance with law. However, both the Courts below have found the order of termination issued to the appellant to be not in consonance with law as proper procedure as per the Punjab Civil Services (Punishment and Appeal) Rules, has not been followed, thus, ordering *de novo* inquiry. The fact which is not disputed is that there is a specific finding by the Courts below that the order of termination is illegal and that the appellant is entitled to reinstatement in service and actually she has been reinstated and a fresh inquiry also initiated, wherein the inquiry report has also been submitted but the fact remains that since the order of termination has been found to be illegal, which finding has been accepted by the respondents by not challenging the judgments passed by the Courts below, appellant would be entitled to all consequential benefits on the basis of setting aside of the termination order on her reinstatement.

5. In view of the above, the appeal is allowed.

6. The judgments and decree passed by the Courts below to the extent of denying the appellant the consequential benefits for the interim period cannot sustain and are hereby set aside.

7. The appellant is held entitled to all consequential benefits on the basis of setting aside of the termination order dated 06.04.2009 and reinstatement.

April 22nd, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No