

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

RSA No. 5190 of 2019

Date of Decision: 17.2.2020

Punjab State Civil Supplies Corporation Ltd. (PUNSUP) & Ors.
...Appellants

Vs.

Madan Lal Munjal
...Respondent

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Naresh Gopal Sharma, Advocate for
Mr. Mehardeep Singh, Advocate
for the appellants.

RAJIV NARAIN RAINA, J. (Oral)

CM No. 14690-C-2019

For the reasons mentioned in the application, duly supported
by an affidavit, delay of 38 days in refiling the appeal is condoned.

CM stands disposed of.

RSA No. 5190 of 2019

The plaintiff was reinstated in the year 2002 and retired in the year 2007. The plaintiff did not complete 5 years of service at the time when the service came to an end. The matter was compromised in the Labour Court with the plaintiff surrendering his right to back-wages for the period after termination and re-employment. He agreed that they can be adjusted in lieu of appointment when vacancy arises. The compromise in the Labour Court has denuded the plaintiff to cover loss ground. The seniority was given to him for no other purpose except for

the purposes of reinstatement and salary on par with others in same rank against a future vacancy and that is how he had come back into service. He was therefore, not entitled to any pension and gratuity by counting the period when he was not in service. In view of this, past rights have been wiped of by the plaintiff himself and he has accordingly, been non-suited in both the Courts. No fundamental error has been committed by the Court of law in their judgments.

I find no ground to interfere in this appeal nor is any substantial question of law involved for the determination of this Court in its service law jurisdiction. The appeal is devoid of merit and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

17.2.2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No