

2023:PHHC:103544
1397 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1559-1993 (O&M)
Date of decision: 10.08.2023

State of Punjab and another

..Appellants

Versus

Rajinder Pal (since deceased) through his LRs and another

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. In this Regular Second Appeal, the State of Punjab (defendant) assails the correctness of the judgment dated 22.01.1993, passed by the First Appellate Court while reversing the judgment of the trial court. As noticed in the order dated 12.01.2000, the respondent is stated to have expired.

2. The respondent was engaged as a Pump Operator and he was kept on a muster roll. After having served for a period of 5-6 years, his services were dispensed with on the ground that he does not possess the requisite qualification required for the job. He filed a civil suit, which was dismissed. However, the First Appellate Court on the basis of the judgment passed by the Supreme Court in **L.R.Robert D' Souza vs. The Executive Engineer, Southern Railway and another, AIR 1982 SC 854** held that after a workman has satisfactorily worked for a period of 5-6 years, then his services could not be terminated only because some instructions were subsequently issued.

3. Learned counsel representing the appellant admits that the respondent pursuant to the judgment of First Appellate Court had continued to discharge his duties. He was recruited in the year 1979-80. As already noticed, he has also died. In an ordinary course, he must have retired on attaining the age of superannuation. Hence, no ground to interfere is made out.
4. Dismissed.
5. All the pending miscellaneous applications, if any, are also disposed of.

10.08.2023
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(ANIL KSHETARPAL)
JUDGE

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