

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

(106)

**CM-2512-C-2023 in/and
RSA-845-1993**

Date of Decision : March 27, 2023

Market Committee Dudhan Sadan and another

.. Appellants

Versus

Pirithi Chand

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. T.S. Sidhu, Advocate, for the non-applicant/appellants.

Mr. Jatinder Nagpal, Advocate, for the applicant-respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-2512-C-2023

Present application has been filed for fixing the present Regular
Second Appeal at an early actual date.

Notice of the application to the counsel opposite.

Mr. T.S. Sidhu, Advocate, accepts notice on behalf of the non-
applicant/appellants and raises no objection for the grant of prayer as raised
in the present application.

Keeping in view the averments made in the application, the
same is allowed and the main appeal is taken up for hearing today itself.

RSA-845-1993

Learned counsel for the appellants submits that keeping in view the order passed by the lower Appellate Court, the respondent-plaintiff was reinstated in service and after rendering the service, he retired and is already getting the benefits in respect of the service performed after reinstatement and in case, the respondent-plaintiff does not claim any benefit from the initial date, the present appeal may kindly be disposed of having been not pressed any further.

Learned counsel for the respondent-plaintiff submits that as the respondent is present in person in the Court, he has sought instructions and submits that the benefits which have already been extended to the respondent-plaintiff of the service rendered by him after his reinstatement in service, are good enough for him and he will not claim the benefit from the initial date of appointment in service and he has no objection in case the judgment of the Courts below are modified to the said extent as being prayed by the learned counsel for the appellants.

Keeping in view the agreement between the parties, the judgments of the Courts below are modified to the extent that the respondent-plaintiff will be treated in service from the date he joined back in pursuance to the judgment of the Court below and will be entitled for all the benefits for the service rendered thereafter only.

As undertaken, no claim will be raised by the respondent-plaintiff with regard to the service benefits or pensionary benefits from the initial date of appointment or for the period he remained out of service.

The judgments of the Courts below are accordingly modified and the present Regular Second Appeal is disposed of in terms of the compromise between the parties noticed hereinbefore.

March 27, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No