

2023:PHHC:144887

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

RSA-4340-2019 (O&M)
Date of decision: 15.11.2023

Jagdev Singh

....Appellant

Versus

Ranbaxy Laboratories Limited

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. D.R.Sharma, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. Alongwith the appeal, an application for condonation of 658 days in filing the appeal has been filed.
2. Learned counsel representing the appellant has been requested to address the Court on the merits of the case.
3. In this Regular Second Appeal, the correctness of the concurrent findings of fact, arrived at by the courts below, is assailed by the plaintiff. He was employed in 1991 by the respondent-Company. The respondent-Company is a private limited Company. The services of the appellant were terminated vide order dated 04.07.2013, after sending a notice. The plaintiff filed a suit for declaration that the order terminating his services be declared illegal, unsustainable and against the principles of the natural justice and further for reinstatement in service alongwith the consequential benefits. It is the case of the plaintiff that after a period of 22 years, his services have been dispensed with unceremoniously. Both the

courts, while relying upon clause 13 of the appointment letter, which provided that the contract of the employment is terminable by giving one month's notice on either side or on payment of one month's salary in lieu of the notice by the Company, dismissed the suit.

4. Heard the learned counsel representing the appellant at length and with his able assistance perused the paperbook. The learned counsel representing the appellant submits that the appellant was a confirmed employee and therefore, his services could not be dispensed with in this manner. He submits that neither the appellant has been given one month's notice nor one month's salary in lieu thereof.

5. On a Court's question about the maintainability of the suit, in view of Section 14 of the Specific Relief Act, 1963, (hereinafter referred to as '1963 Act'), the learned counsel representing the appellant submits that under the common law, the suit is maintainable.

6. This Court has considered the submissions made by the learned counsel representing the appellant. In substance, the plaintiff seeks the relief of reinstatement in service. Section 14 of the 1963 Act provides that no contract shall be specifically enforceable where the performance involves a continuous duty, which the court cannot supervise and the contract in its nature is

determinable. It is well settled that except under the Industrial Disputes Act, 1947, servants in the employment of the State or the other public or local authorities or bodies created under the State, if their dismissal is contrary to the rules of natural justice or in violation of the provisions of the statute, the relief of reinstatement is not available. (**Sirsa Municipality vs. Karu Francis (1973) 1 SCC 409** and **S.R.Tiwari vs. District Board Agra AIR 1964 SC 1680**).

7. Keeping in view the aforesaid facts, no ground to interfere is made out.

8. Hence, dismissed.

9. In view of the dismissal of the appeal, no order in the application for condonation of delay is required to be passed.

10. All the pending miscellaneous applications, if any, are also disposed of.

15.11.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE