

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-575-C-2023 &
CM-576-C-2023 in/&
RSA-2967-2017
Date of Decision :13.03.2023

Tej Baksh Singh

...Appellant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Kumar, Advocate for the appellant.

Mr. Gurvinder Singh, AAG, Punjab
with Mr. Sukhwinder Singh (Superintendent) Transport, Pb.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-575-C-2023

Present application has been filed for fixing some actual date of hearing in the main regular second appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Main regular appeal is taken up for hearing today itself.

CM-576-C-2023

Present application has been filed for placing on record synopsis in compliance of order dated 09.11.2020 passed by this Court.

As prayed for, application is allowed.

RSA-2967-2017

On the last date of hearing, following order was passed:-

“Learned counsel for the applicant-appellant submits that the appellant is not pressing the appeal on merits, but whatever benefits for which, the appellant becomes entitled for, after acquittal from criminal case including the grant of benefit of increment during the period of suspension i.e. 07.12.1984 to 10.02.1988 keeping in view the fact that the said period has already been allowed to be taken into account for the grant of pensionary benefits, respondents be directed to release the said benefits in a time bound manner after refixing the pay of the appellant including the arrears and the interest on the delayed release of the pensionary benefits.

Learned State counsel submits that 04 week's time be granted to the respondents to assess the entitlement of the benefits which is to be granted to the appellant keeping in view the order already passed by the department of treating the period of suspension in service as well as before the claim of the appellant for interest on the delayed release of the pensionary benefits keeping in view the settled principle of law settled by the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468.*

Adjourned to 13.03.2023.

Respondents are directed to place on record the order passed by them keeping in view the claims which have been raised by the appellant as noticed hereinbefore.”

Learned State counsel on instructions from Mr. Sukhwinder Singh (Superintendent) Transport Office, Punjab submits that keeping in view the reconsideration of the case of the appellant, an order dated 06.03.2023 has already been passed by treating the period from 07.12.1984 to 10.02.1988 as duty period for granting the pensionary benefits. Learned State counsel further submits that keeping in view the said undertaking, the revised fixation of the salary of the appellant has already been done and for the release of the pensionary benefits including interest on the delayed release of the payment, case has already been sent to the authorities

concerned for approval and within a period of six weeks the pensionary benefits for which, the appellant becomes entitled for, under the order dated 06.03.2023, will be released to the appellant.

Learned counsel for the appellant submits that keeping in view the statement of the learned State counsel, the present regular second appeal may kindly be disposed of having been not pressed any further with liberty to the appellant to revive the same in case the undertaking given by the department as recorded hereinabove, is not carried forward to logical end.

Ordered accordingly.

March 13, 2023
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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