

**RSA-1382-1998 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(202)****RSA-1382-1998 (O&M)****Date of Decision: - 27.11.2024****Rattan Chand****....Appellant****Versus****Punjab State Tubewell Corporation and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Sanjeev Sharma, Advocate,
for the appellant.

Mr. Amit Singh Sethi, Advocate
for the respondents.

**********VIKAS BAHL, J. (ORAL)**

1. Challenge in the present appeal is to the judgment of the 1st Appellate Court dated 19.03.1998 vide which the appeal filed by the respondents-defendants has been allowed and the judgment and decree dated 27.09.1990 has been set aside and the suit filed by the plaintiff/present appellant has been dismissed.

2. Learned counsel for the appellant has submitted that in the present case, the plaintiff Rattan Chand along with another co-plaintiff had filed a suit against the defendants for declaration to the effect that the notice dated 25.09.1987 for terminating/retrenching the services of the plaintiffs is illegal, void, inoperative and had further sought injunction against the defendants restraining them from terminating/retrenching the

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services of the plaintiffs on the basis of this notice. It is further submitted that the said suit was decreed and a declaration was granted that the impugned notice dated 25.09.1987, which was for retrenching the service of the plaintiff Rattan Chand was illegal, void, inoperative, arbitrary, unconstitutional against law and that the defendants were restrained from terminating/retrenching the service of plaintiff Rattan Singh on the basis of the said notice dated 25.09.1987 and the defendants were granted liberty to issue fresh order if any situation arises, after adopting due course of law. It is stated that no fresh order was passed thereafter, whereas, the defendants had filed an appeal and the 1st Appellate Authority had allowed the said appeal vide judgment dated 19.03.1998 and had dismissed the suit of the plaintiffs. It is further stated that the present appeal was filed by the plaintiff Rattan Chand in the year 1998 and the Co-ordinate Bench of this Court was pleased to grant stay in favour of the plaintiff and during the pendency of the present appeal, the plaintiff had put in several years of service and had finally retired on 31.08.2013 and had actually worked during the said period and thus, the present appeal has been rendered infructuous.

3. Learned counsel appearing for the respondents-defendants has submitted that in the present case, the plaintiff/present appellant was a work charge employee and he had filed a suit for challenging the notice dated 25.09.1987, which was though decreed by the trial Court, but on an appeal the said judgment of the trial Court has been set aside. It is further submitted that it was the stand of the defendants/respondents that the

plaintiff was a work charge employee and continued to be a work charge employee on the basis of the interim order passed by a Co-ordinate Bench of this Court in the present Regular Second Appeal.

4. The factum of the interim order as well as the fact that the present appellant had retired on 31.08.2013 is not disputed.

5. Keeping in view the above-said facts and circumstances and also in view the fact that it is not disputed that by virtue of the interim order passed in favour of the plaintiff, the plaintiff had continued in service and had retired on 31.08.2013, the present appeal is disposed of as having been rendered infructuous.

November 27, 2024

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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No