

LPA-472-2021 (O&M)

2021:PHHC:118032 DB



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

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LPA-472-2021 (O&M)

Date of decision: September 10, 2024

Chairman, Board of School Education, Haryana
Bhiwani and another

....Appellants

Versus

Nafe Singh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Mr. K.K Gupta, Advocate for the appellants.

Mr. Sandeep Thakan, Advocate for respondent no.1.

DEEPAK SIBAL, J. (ORAL)

On 31.01.2024, this Court passed the following order:

“.....The appellants have come up in appeal against the judgement and order dated 04.12.2018 passed by the learned Single Judge, whereby the writ petition filed by the petitioner (respondent No. I herein) was allowed with a direction to the authorities to grant him the benefit of regularization in service with all consequential benefits at the rate of 9% interest from the date his junior was granted the same.

Further, the appellants have also challenged the order dated 16.03.2021 passed by the learned Single Judge dismissing CM-12240-CWP-2019 for modification of the judgement and order dated 04.12.2018 and granting respondent No. I the benefit of arrears with penal interest at the rate of 12% per annum with effect from the date the same were due until the actual date of payment.

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In the present case, as per the order dated 21.07.2014 passed by the learned Single Judge in CWP-13187-1995 titled as Board of School Education, Haryana, Bhiwani Vs Presiding Officer, Industrial Tribunal-cum- Labour Court, Hissar and another (Annexure P-2), learned counsel for respondent No. 1 had made a statement that respondent No. 1 will not claim back-wages and restricted his claim for regularization of his services by giving him benefit of continuity of service as per the award dated 03.02.1995 (Annexure P-3). This order has been complied with by passing the order dated 16.09.2014 (Annexure P-5) and respondent No. 1 was regularized with effect from 29.07.2011.

Keeping in view the fact that respondent No. 1 himself had given up his back-wages, now the question in this appeal is whether the claim of respondent No. 1 regarding the benefit of regularization from the date his junior was granted which has been allowed by the learned Single Judge in the impugned judgement is sustainable.

As far as, claiming parity with his junior, respondent No. 1 had only given up his back-wages when the earlier writ petition (Annexure P-2) was disposed of. However, this does not bar respondent No. 1 to claim parity of regularization with his junior and in view of the above, the impugned judgement as well as the order passed by the learned Single Judge do not require any interference. However, since respondent No. 1 had given up his arrears when the order (Annexure P-2) was passed, the impugned judgement and order dated 04.12.2018 is being modified to the extent that while granting the benefit of regularization at par with his junior, respondent No. 1 will

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be entitled to arrears with effect from the date he filed the writ petition in 2015 alongwith 9% interest.

Learned counsel for the appellants seeks time to get the above said amount calculated and inform this Court.

Learned counsel for respondent No. 1 states that he will be satisfied if the amount is given after giving him arrears with effect from 2015.

As prayed, adjourned to 20.02.2024.....”

A perusal of the afore quoted order reveals that the appellants’ appeal stood finally decided and that the matter had been adjourned only to enable the learned counsel for the appellants to produce the actual amount which in terms of the above reproduced order, would have become payable to respondent no.1.

After hearing learned counsel for the parties, it is directed that within 2 weeks from today, the appellants shall hand over to respondent no.1 or his counsel the amount payable to respondent no.1 in terms of the afore quoted order dated 31.1.2024.

Disposed of.

(DEEPAK SIBAL)
JUDGE

September 10, 2024
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(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No