



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

LPA-3190-2024 (O&M)

Date of decision:29.04.2025

SURINDER KUMAR

.....Appellant

Versus

STATE OF PUNJAB & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Ishan Gupta, Advocate for the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

SUDHIR SINGH, J.

CM-7849-LPA-2024

For the reasons given in the application, the same is allowed. Delay of 189 days in filing the appeal is condoned.

CM-7850-LPA-2024

Allowed as prayed for.

LPA-3190-2024

Challenge in the instant intra Court appeal is to the order dated 22.04.2024 passed by the learned Single Judge, whereby the writ petition filed by the appellant was allowed. Challenge is also laid to the order dated 04.10.2024, whereby the review application filed by the appellant was dismissed by the learned Single Judge.

2. It may be noticed that vide order dated 22.04.2024, the learned Single Judge had allowed the writ petition filed by the

appellant holding him entitled to the Post of Motor Mechanic (Corporal) in the respondent-Department, but after recording the concession of the petitioner, he was not held entitled to the back wages and his date of joining for all service benefits, was ordered to be the relevant date.

3. Thereafter, the appellant had sought review of the said order, but the learned Single Judge, has dismissed the said review application vide order dated 04.10.2024, by observing that the order under review was a consensual order and the same did not require any review.

4. Learned counsel for the appellant has vehemently argued that at the time of giving his consent, when the order dated 22.04.2024 was passed, the appellant was not aware of the fact that the 7th Central Pay Commission will be applicable in Punjab for the Post of Motor Mechanic (Corporal) by applicability whereof, the appellant would get a low pay scale (basic pay of Rs.19,900/-) viz-a-viz., the pay scale provided in the prospectus/advertisement (basic pay of Rs.24,800/-) coupled with the fact that now the probation period would be of three years. It is, thus, argued that the impugned order passed by the learned Single Judge, requires modification to the extent that the appellant should be held entitled to the notional benefits arising out of the appointment granted to him, as he had been denied such appointment wrongly and illegally by the respondent-authorities, as held by the learned Single Judge.

5. We have heard learned counsel for the appellant and have also gone through the case file, including the impugned order.

6. The only question that arises for consideration by this Court is whether the order passed by learned Single Judge, requires any interference.

7. A perusal of the impugned order would show that the last part thereof regarding the back wages and the relevant date of appointment, was passed on the consent given by the appellant. Once, the appellant had conceded to forego the back wages and the relevant date of his appointment for joining and all service benefits, he cannot be allowed to turn around and claim that such concession had wrongly been given by him. Still further, the learned Single Judge has dismissed the review application filed by the appellant, wherein the similar pleas taken by the appellant, were negated.

8. We do not find any illegality or perversity in the order passed by the learned Single Judge, which may warrant interference by this Court, in the present appeal.

9. No other point has been urged.

10. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

11. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

29.04.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No