



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

RSA-1346-2000

Date of decision: 24.02.2026

Satyavir Singh Tomar

.....Appellant

Versus

The Managing Director, State Bank of Patiala and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Ankur Goyat, Advocate
for the appellant.

Mr. Abhay Gupta, Advocate
for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The appellant/plaintiff is in Regular Second Appeal before this Court impugning the judgment and decree dated 21.11.1996, passed by learned Additional Civil Judge (Senior Division), Jagadhri, whereby his claim for bonus has been rejected and the suit filed by him has been dismissed, and the judgment and decree dated 14.12.1999, whereby the appeal preferred by him, has also been dismissed by learned Additional District Judge, Jagadhri.

2. Parties to the *lis* hereinafter shall be referred to by their original position before the learned Trial Court.

3. The case set up by the plaintiff before the learned Trial Court was that he remained on deputation with the State Bank of Patiala as Technical Officer from 20.10.1983 to 19.10.1988 and the said Bank was covered by the Payment of Bonus Act, 1965 and,

therefore, he was given the bonus for the year 1984 and 1985 amounting to ₹3,200/-. Besides this, other employees, who were on deputation with the defendant-Bank, were also given the bonus by the defendants. Subsequently, when the defendant-bank sought to recover the bonus already paid, the plaintiff filed a civil suit for permanent injunction, which was decreed in his favour on 15.06.1987 by learned Sub Judge, Jagadhri, holding that the plaintiff was an employee of the bank for the purposes of the Bonus Act. The appeal preferred by the defendant-bank was dismissed on 19.11.1988 by the learned Additional District Judge, Ambala. Thereafter, despite repeated representations for payment of bonus for the years 1986 and 1987, the defendants illegally withheld the bonus amounting to ₹3,200/-, compelling the plaintiff to file the present suit claiming the said amount along with compensation. The suit was contested by the Bank by filing a reply wherein it was stated that the plaintiff was an employee of the State Government, however, he was on deputation with the Bank on technical post. As per instructions dated 12.10.1987 (Ex.D1), he was not entitled for the bonus. The suit filed by the plaintiff was dismissed by the learned Trial Court, vide its judgment and decree dated 21.11.1996 by recording the following findings:-

“xxx xxx xxx xxx xxx

12. On being given my thoughtful consideration to the arguments advanced by learned counsel for the parties, I am of the view that plaintiff is not entitled to the bonus in view of the instructions issued by Govt. of Haryana (Ex.D-1 Ex. DW/2 and Ex.DW-1). Instructions Ex. D-1 reads as follows:

No.13/5(7)-83-5FR-I.

From:

*The Financial Commissioner &
Secretary to Govt. Haryana, Finance Department.*

To

(i) All Heads of Departments, Commissioners, Ambala/Hissar Division, All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.

(ii) The Registrar, Punjab & Haryana High Court, Chandigarh.

Dated, Chandigarh the 12th Oct.1987.

Subject: Grant of Ex-gratia/Bonus to Government employees on deputation to Public Sector Undertakings etc.

Sir,

I am directed to invite a reference to the Haryana Govt. Finance Department, circular letter No. 4018-(3)-FR-68/24961 dated 11th Oct.1968 and No.2250-5FR-75/25425 dated 31st July, 1975, on the subject noted above and to say that it has come to the notice of the Government that in many Public Sector Undertakings, Corporations, Boards, Companies etc. the Haryana Government employees on deputation are drawing Ex-gratia/Bonus against the provisions of the instructions referred to above. This practice should immediately be stopped. It is, therefore, emphasised that the instructions referred to above shall be strictly complied with and no deputationist should draw the benefit of Ex-gratia/Bonus against the provisions of the Instructions referred to above. The employees who have already drawn the amount against the provisions of the instructions referred to above should be recovered urgently.

These instructions may please be brought to the notice of all the institutions/bodies wherein the employees of your Department are working on deputation.

*Yours faithfully,
Sd/(In English)
(J.P.Narang)*

*Joint Secretary Finance (R)
for Financial Commissioner & Secretary to
Govt. Haryana, Finance Department.*

Admittedly these documents were not brought to the notice of learned court of Shri M. L. Bansal, the then Sub

Judge Ist Class, Jagadhri and Sh.K.C. Gupta, the then Additional Distt. Judge, Ambala and therefore, their learned courts below have rightly held that withholding the bonus of the plaintiff, was not justified, when they had made payment of the same to other employees named Amrik Singh and P.S. Saini. Had these letters, brought on record, the said learned courts then, in my opinion, would have not granted the relief given to him, when Haryana Government employees on deputation are not authorised to claim bonus, as per the instructions Ex. D-1, then they are not entitled to seek any injunction against the department and, therefore, plaintiff is not entitled to the mandate sought by him and accordingly this issue is decided in favour of defendants and against the plaintiff.

xxx xxx xxx xxx xxx”

4. The said findings have been affirmed by the learned First Appellate Court, vide its judgment and decree dated 14.12.1999, by holding as under:-

“xxx xxx xxx xxx xxx

15. It is, thus, clearly established that the appellant-plaintiff was working on deputation in the defendant-bank on the post of Technical Officer (Agriculture) in his own grade of the post of Agriculture Development Officer, Agriculture Department Haryana plus deputation allowance and not in the grade of the post of Technical Officer of the defendant-bank and as such he is not entitled to receive the amount of bonus for the years 1986 and 1987.

16. In view of the above situation when the Haryana Government vide its last mentioned instructions dated 12.10.1987 copy Ex. D1 has categorically directed the recovery of the ex-gratia/bonus paid to the deputationists working in the public undertaking which undisputably include the defendant-bank i.e. State Bank of Patiala in violation of the said instructions dated 11.10.1968 and 31.7.1975 copy Ex.FW/1, obviously as things stand the defendant-bank could not be expected to pay bonus for the years 1986 and 1987 to the appellant-plaintiff.

17. Before parting with this aspect of the matter, it will not be out of place to mention here that the matter involved in the plaintiff's previous suit No.587/CS/86 of permanent injunction restraining the defendant-bank from recovering the bonus amount of Rs.3200/- paid to him for the years 1984 and 1985 decreed vide judgement and decree dated 15.6.1997 copy Ex. P1 and P.2 respectively, therefore, in view of the afore mentioned instructions of the Haryana

Government dated 11.10.1968 and 31.7.1975 copy Ex. DW reiterated vide instructions dated 12.10.1987 copy Ex. D1 directing the recovery of the amount of bonus wrongly given to the deputationists in violation of the said instructions of 1968 and 1975 does not help the appellant-plaintiff in the present case.

18. In view of the above position merely because the deputationists from Punjab Government namely Amrik Singh and P.S. Saini were also paid bonus even prior to the plaintiff also does not entitle the plaintiff to get bonus for the years 1986 and 1987 especially because as evident from the evidence brought on record order of recovery of bonus amount paid to them by mistake have already been passed and partial recovery has been effected in as much as it is found from the testimony of DW1 N. D. Verma that an amount of Rs.333.12 is bonus for the year 1980 has already been recovered from P.S.Saini. So finding of learned trial court vide impugned judgement is hereby affirmed.”

5. Learned counsel for the appellant/plaintiff submits that the competent Courts, vide judgments and decrees dated 15.06.1987 and 19.11.1988, have conclusively held that the State Bank of Patiala is covered under the Payment of Bonus Act. Consequently, the plaintiff is legally entitled to bonus, which was duly and lawfully paid to him for the years 1984 and 1985. The allegation of the defendants that the said judgments and decrees are null and void, is misconceived, untenable, and contrary to judicial record. He further submits that the plaintiff is entitled to claim bonus for two years, i.e. 1986 and 1987 amounting to ₹3,200/- along with compensation, as the same has wrongly been withheld by the defendants and the same is covered under the Bonus Act. Therefore, the judgments and decrees passed by both the Courts below are liable to be set aside, being contrary to law.

6. *Per contra*, learned counsel for the respondents/defendants submits that the provisions of the Payment of Bonus Act are not applicable to employees who are posted, deputed, or otherwise working

with a nationalised banking institution. He further submits that the legislative scheme governing the nationalised banks excludes the applicability of the Bonus Act. He further submits that the plaintiff is not entitled to claim any bonus and admitted that, bonus with respect to years 1984 and 1985 was wrongly paid to him, therefore, the defendant-bank was entitled to recover the same, in view of instructions issued by the Haryana Government, through its letter dated 12.10.1987. Therefore, the judgments and decrees passed by both the Courts below, are legal and valid and call for no interference by this Court.

7. I have heard learned counsel for the parties and perused the record.

8. Upon a careful consideration of the pleadings and the evidence on record, it transpires that the plaintiff remained on deputation with the State Bank of Patiala as Technical Officer from 20.10.1983 to 19.10.1988. It is an admitted position that the said bank was covered under the provisions of the Payment of Bonus Act and that the plaintiff was paid bonus for the years 1984 and 1985 amounting to ₹3,200/-, as was paid to the other similarly situated deputationists. When the defendant-bank attempted to recover the bonus already paid, the plaintiff successfully instituted a civil suit for permanent injunction, which was decreed in his favour on 15.06.1987, holding him to be an employee of the bank for the purposes of the Bonus Act; the said finding was affirmed in appeal on 19.11.1988. Despite the aforesaid binding judicial determinations and repeated representations made by the plaintiff, the defendants withheld payment of bonus for the subsequent years, leading to the institution of the present suit.

9. The only question which arises for consideration before this Court is as to whether the employees of Haryana Government, like the plaintiff, working on deputation with the public undertakings, like the defendant-bank, are entitled to get bonus or not?

10. A perusal of the case file shows that the Government of Haryana had issued instructions, vide letter dated 11.10.1968 and circular dated 31.07.1975 to various Public Sector Undertakings, Corporations, Boards, Companies etc., clarifying that no deputationist should draw the benefit of Ex-gratia/Bonus against the provisions of these instructions and the amount already drawn by the employees, should be recovered urgently, and these instructions should be strictly complied with.

11. It is apt to mention here that the plaintiff was working on deputation in the defendant-bank on the post of Technical Officer (Agriculture) in his own grade of the post of Agriculture Development Officer and not in the grade of post of Technical Officer of the defendant-bank, and he has led no evidence from which it can be discerned that during the years 1986 and 1987 the plaintiff was working in the grade of the defendant-bank of the post of Technical Officer.

12. In view of the foregoing discussion, this Court holds that the plaintiff, being an employee of the Haryana Government working on deputation with the defendant-bank in his own substantive grade, is not entitled to claim bonus for the relevant period. The Government instructions expressly prohibit grant of bonus or ex-gratia to deputationists, and the plaintiff has failed to establish that he was working in the grade of the defendant bank so as to attract any statutory

entitlement.

13. Concurrent findings of facts recorded by the learned Trial Court as well as the First Appellate Court are based on correct appreciation of facts and law and the learned counsel for the appellant/plaintiff has failed to demonstrate that the impugned judgments and decrees suffer from any jurisdictional error or legal infirmity warranting interference by this Court. The appreciation of evidence by the Courts below is in accordance with law, and no statutory provision has been shown to be violated.

14. Accordingly, the instant Regular Second Appeal is hereby dismissed, with no order as to costs.

24.02.2026

Vinay

(NAMIT KUMAR)
JUDGE

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