



RSA No. 73 of 2000

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

RSA-73-2000 (O&M)

Punjab State Electricity Board

.....Appellant

vs.

Jagir Singh & ors.

.....Respondents

Date of Reserve: 02.04.2026

Date of Pronouncement: 10.04.2026

Uploaded on:- 17.04.2026

Whether only the operative part of the judgment is pronounced? No

Whether full judgment is pronounced? Yes

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. G.S. Bawa, Advocate
for the appellant.

Ms. Manveen Kahlon , Advocate
for respondent No. 1.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 08.10.1996 passed by learned Civil Judge (Jr. Divn.), Amritsar as well as judgment and decree dated 21.09.1999 passed by learned Addl. District Judge, Amritsar whereby the civil suit filed by respondent No. 1/plaintiff was decreed in his favour and appeal filed by the appellant, was dismissed respectively.

BRIEF FACTS OF THE CASE

2 Brief facts of the case as per civil suit are that Jagir Singh-respondent No. 1/plaintiff was appointed as Security Guard in Punjab State Electricity Board, Patiala on *ad hoc* basis vide memo dated 18.10.1987. He served at different places continuously without any break. Thereafter, he took casual leave for 08th and 9th October, 1989 due to some urgent domestic work. He joined back on 10.10.1989.

**RSA No. 73 of 2000**

Thereafter, his wife fell ill and there was no one to look after her, therefore, he had to take leave from 01.10.1989 to 22.10.1989 on medical grounds. On 23.10.1989, he was not allowed to resume duties. He filed civil suit for permanent injunction, wherein respondent No. 1 filed reply that the services of respondent No. 1 were terminated, vide order dated 06.11.1989. The suit was then dismissed as rendered infructuous. Thereafter, respondent No. 1 challenged his termination order dated 06.11.1989 by filing another civil suit, which was decreed in his favour, vide judgment and decree dated 08.10.1996 passed by learned Civil Judge (Jr. Divn.), Amritsar. The appeal filed against the same by the appellant was dismissed, vide judgment and decree dated 21.09.1999 passed by learned Addl. District Judge, Amritsar. Hence the present regular second appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellants contends that both the Courts totally ignored the evidence on record while decreeing the civil suit filed by respondent No. 1 as well as dismissing the appeal filed by the appellant. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondents contends that both the Courts have categorically examined the evidence on record while decreeing the suit filed by respondent No. 1 as well as dismissing the appeal filed by the appellant. She, therefore, prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

6. A perusal of the record shows that admittedly respondent No. 1-Jagir Singh was appointed on the post of *Ad hoc* Security Guard on 08.11.1987 (Ex D1). He was absent from duty because of which his services were terminated, vide order

**RSA No. 73 of 2000**

dated 30.05.1988 (Ex D8). He submitted fresh letter for re-employment (Ex D10). He was again offered appointment letter on the post of Daily wager security guard on 13.09.1988 (Ex D11). He was again wilfully absent from duty and finally his services were terminated on 06.11.1989 on account of absent from duty. Ex D13 is the copy termination order of respondent No. 1. The legality of termination was challenged on the ground that it was passed in violation of terms and conditions of appointment letter and without following principles of natural justice. The appointment of respondent No. 1 was purely on temporary basis. His appointment letter as Daily wager security guard on 13.09.1988 provides as under:-

“The appointment is purely temporary and your services can be terminated at any time after giving 24 hours notice without assigning any reasons.”

7. Before proceeding further, it would be apposite to reproduce the relevant portion of impugned judgment and decree dated 08.10.1996 passed by learned Civil Judge (Jr. Divn.), Amritsar:-

“11. In these circumstances, before dispensing with the services of the Plaintiff, a notice has to be served upon him. The issuance of the notice is a condition precedent for terminating the services of the Plaintiff. Even if the Plaintiff is a habitual absentee, his services can be terminated only after complying with the terms and conditions of the appointment letter. The provision is in consonance with the principles of the natural justice. No one can be condemned unheard. The fairplay requires that a reasonable opportunity to put forth his case must be afforded to a person before passing any order which effect his Civil Rights.

12 In the case in hand no such notice has been served upon the Plaintiff before passing of the impugned order. The impugned order as such, has been passed in violation of the terms and conditions of the

**RSA No. 73 of 2000**

appointment letter and the same cannot be sustained in the eyes of law. The impugned order dated 6.11.89, as such, is illegal, null and void. This issue is decided in favour of the Plaintiff and against the Defendant.

RELIEF

In view of my observations while deciding issue No.1, the suit of the Plaintiff for declaration to the effect that Order No. 532 dated 6.11.89 passed by DIG (V&S) P.S.E.P. Patiala is illegal, null and void and mandatory injunction directing the Defendants to allow the Plaintiff to join service and make payment of arrears of salary is decreed with costs. Decree Sheet be prepared and file be consigned to Record Room.”

8. Admittedly, the appellant never issued any notice to respondent No. 1 of 24 hours before terminating his services. Since, the condition in the appointment was not adhered to by the appellant, therefore, both the Courts have rightly decreed the civil suit in favour of respondent No. 1 and dismissed the appeal filed by the appellant.

9. In view of the above, I do not find any infirmity in judgment and decree dated 08.10.1996 passed by learned Civil Judge (Jr. Divn.), Amritsar as well as judgment and decree dated 21.09.1999 passed by learned Addl. District Judge, Amritsar, and the same are upheld.

10. Accordingly, the present regular second appeal is ***dismissed***.

11. Before parting with the matter, this Court would like to record the pain and feelings of this Court in cases of present nature specially in service matters where litigants are waiting for the decision since long. As in the present case, the civil suit was filed in the year 1990, which was decreed in favour of respondent No. 1 in the year 1996. The appeal filed by the appellant-PSEB against the same was also dismissed in the year 1999. However since 2000 (for nearly 26 years), the

**RSA No. 73 of 2000**

present Regular Second Appeal is lying pending. Notably, vide order dated 13.01.2000 passed by Coordinate Bench of this Court, operation of the decree was ordered to be stayed and the present RSA is decided after almost 26 years. As a consequence, respondent No. 1 could not enjoy the fruits of decree and the relief granted to him for decades.

12. A perusal of the above relief granted by learned Civil Judge (Jr. Divn.), Amritsar, vide judgment and decree dated 08.10.1996 shows that the appellants were directed to allow respondent No. 1 to join his services and make payment of arrears of salary. Therefore, to avoid further delay and harassment to respondent No. 1, justice demands that the directions be issued to the appellant that it should not force the respondent No. 1 to file execution for the relief granted to respondent No. 1 by both the Courts.

13. This Court is conscious of the limited scope of decision in the RSA and that ordinarily the Courts cannot go beyond the relief prayed for in the civil suit. Nevertheless, in such cases, as the present where respondent No. 1 filed the civil suit in the year 1990 seeking setting aside of his termination order and since then he is waiting for his joining i.e approximately for the last 36 years and unfortunately this Court has taken almost 26 years for deciding the RSA filed by him in the year 2000 and for no fault of respondent No. 1 despite getting relief in the year 1996 itself, he could not get the benefit of the same because of stay granted by this Court, vide order dated 13.01.2000.

14. The present case is one where respondent No. 1 was always wanted to work but was not allowed to work. In view of the peculiar facts and circumstances of the case, principle of “No work and no pay shall not be attracted.

**RSA No. 73 of 2000**

15. Reference at this stage can be made to larger bench judgment of Hon'ble the Supreme Court of India in a case of ***Union of India vs. K.V. Jankiraman, 1991(3) SCT 317*** wherein Hon'ble the Supreme Court has held that the rule of "No work no Pay" is not applicable to cases where employee is willing to work but is kept away by authorities for no fault of his.

16. Further, Hon'ble the Supreme Court in a case of ***The Commissioner Karnataka Housing Board vs. C. Muddaiah, 2007 (4) SCT 452*** held as under:-

32. The matter can be looked at from another angle also. It is true that while granting a relief in favour of the party, the Court must consider relevant provisions of law and issue appropriate directions keeping in view such provisions. There may, however, be cases where on facts and in the circumstances, the Court may issue necessary directions in the larger interest of justice keeping in view the principles of justice, equity and good conscience. Take a case, where ex facie injustice has been meted out to an employee. In spite of the fact that he is entitled to certain benefits they had not been given to him. His representations have been illegally and unjustifiably turned down. He finally approaches a Court of law. The Court is convinced that gross injustice has been done to him and he was wrongfully, unfairly and with oblique motive deprived of those benefits. The Court in the circumstances, directs the Authority to extend all benefits deprived which he would have obtained had he not been illegally deprived of them. Is it open to the authorities in such case to urge that as he has not worked (but held to be illegally deprived), he would not be granted the benefits? Upholding allowing a party to take undue advantage of his own wrong rather than doing justice to the person wronged. We are in absence of statutory provision, normal rule is no work however, a Court of Law may, nay must, take into account pass an appropriate order in consonance with law. The Court in given case, may hold that the person was willing to work but was illegally and unlawfully not allowed to do so. The Court may in the circumstances, direct the

**RSA No. 73 of 2000**

Authority to grant him all benefits considering as if he had worked. It, therefore cannot be contended as an absolute proposition of law that no direction of payment of consequential benefits can be granted by a Court of law and if such directions are issued by a Court, the Authority can ignore them even if they had been finally confirmed by the Apex Court of the country (as has been done in the present case). The bald contention of the appellant-Board, therefore, has no substance and must be rejected.

17. Further, Hon'ble the Supreme Court in a case of ***State of Kerala and others vs. E.K. Bhaskaran Pillai, 2007 (2) SCT 757*** held that the principle of "No Work No pay" cannot be accepted as a rule of thumb. There are exceptions where Courts can grant monetary benefits also.

18. In ***Ramesh Kumar vs. Union of India and others, 2015 (3) SCT 704***, Hon'ble the Supreme Court has held that the Principle of "No Work No Pay" would not be attracted where the authority was at fault in not considering the case of employee for promotion and not allowing him to work on the promotional post.

19. Furthermore, now recently Hon'ble the Supreme Court in a case of ***North Delhi Municipal Corporation vs. Dr. Ram Naresh Sharma and others, 2021 (3) SCT 538***, has held as under:-

21. In the case of the respondent in SLP (C) 12046/2019 Le. Dr. H. P. Singh, it is averred by the appellants, that he has not worked after superannuation on attaining the age of 60 through several representations sought to be re-appointed but it was the employer who years. But, there is sufficient evidence on record to suggest that the respondent-doctor created impediments and did not allow the respondent to re-join his duties in hospitals. In such circumstances, the principle of No Work. No Pay' cannot be raised by the employers, as it is they who had obstructed the doctor from discharging his service. For support we may cite Dayanand Chakrawarthy v. State of Uttar

**RSA No. 73 of 2000**

Pradesh, (2013) 7 SCC 595 where this Court speaking through Justice S. J. Mukhpadyaya rightly held that:

"48.... If an employee is prevented by the employer from performing his duties, the employee cannot be blamed for having not worked, and the principle of "no pay no work" shall not be applicable to such employee."

20. In view of the ratio of law laid down by Hon'ble the Supreme Court in the above judgments, respondent No. 1 could not join his services because of stay granted by this Court, vide order dated 13.01.2000, therefore, principle of "No Work No Pay" would not applicable to the facts of the present case.

21. Resultantly, the appellant-PSEB is directed to pay the salary for the period w.e.f 06.11.1989 when services of respondent No. 1 were terminated till the date of his attaining the age of superannuation along with interest @ 9% per annum. This exercise shall be completed within a period of three months from the date of passing of this judgment.

22. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

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24. Pending application (s) if any also stands disposed of.

10.04.2026

Gaurav Arora

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/non-speaking : Speaking

Whether reportable : Yes