

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18259/2017

(Arising out of impugned final judgment and order dated 18-04-2017 in CWP No. 717/2013 passed by the High Court Of Punjab & Haryana At Chandigarh)

MUNICIPAL COMMITTEE AHMEDGARH

Petitioner(s)

VERSUS

RAJINDER KUMAR & ANR.

Respondent(s)

(With Interim Relief)

Date : 28-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Sanchar Anand, Adv.
Mr. Apoorv Singhal, Adv.
Mr. Sanjeev Soni, Adv.
Mr. Devendra Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel appearing for the petitioner apprehends that on account of the judgment, the petitioner would be called upon to pay the backwages for the period the respondent No.1 was not in service.

We do not think that there is any basis for such an apprehension. The learned Single Judge as well as the Division Bench in the earlier round were quite clear that the relief granted to the writ petitioner was only the continuity of service. In the impugned judgment also the writ petition is allowed only by granting the benefit of continuity of service for all purposes but without backwages.

Therefore, as per the impugned judgment what the petitioner is

called upon to pay is only fixation of the service benefits treating the respondent No.1 as if he was not terminated and granting him all increments and promotions which he would have otherwise earned in the normal course and work out the benefits accordingly, but without payment of backwages from the date of termination to the date of reinstatement.

Subject to the above clarification, the special leave petition is disposed of.

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

(NARENDRA PRASAD)
COURT MASTER (SH)

(RENU DIWAN)
ASST. REGISTRAR