

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

CWP No. 24519 of 2011

Date of Decision: 21.12.2012

Inder Singh

.....Petitioners

Versus

State of Haryana & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present:- Mr. Jagbir Malik, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

AUGUSTINE GEORGE MASIH, J.(ORAL)

Counsel for the petitioner states that the respondents have calculated the period of qualifying service of the petitioner as 18 years, 8 months and 16 days. He refers to para 2 of the reply, by way of affidavit filed by Jagbir Singh, General Manager, Haryana Roadways, Bhiwani-respondent No.4 dated 13.12.2012, to contend that the petitioner has not been granted benefit of the service for retiral benefits from the date of his termination i.e. 5.1.1981 to March, 1992, when he was reinstated in service. This, the counsel for the petitioner, contends is contrary to the order passed by this Court in CWP No. 10770 of 1991 titled as General Manager, Haryana Roadways, Rohtak vs. Shri Inder Singh son of Shri Malu Ram and another, decided on 24.2.2009 (Annexure P-2) wherein the award passed by the Labour Court has been modified by this Court to the extent that the petitioner shall not be entitled to back wages from the date of his termination till his reinstatement. He states that the Labour Court had

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granted him reinstatement in service with continuity thereof along with back wages. Since the petitioner in the light of the award passed by the Labour Court in his favour, which has been upheld by this Court in the writ petition preferred by the respondents except for the back wages, the said period has to be taken into consideration for all intents and purposes, which would entitle the petitioner to all consequential benefits, which would include counting the said period for the purpose of increment and retiral benefits.

In the light of the statement made by the counsel for the petitioner which is correct, the stand of the respondents as projected in para 2 of the affidavit dated 13.12.2012 is not sustainable. Writ petition is allowed. Impugned orders dated 13.4.2010 and 15.11.2010 (Annexures P-6 & P-7 respectively) are hereby quashed. Direction is, thus, issued to count the period from 5.1.1991 till March, 1992 i.e. from the date of his termination till his reinstatement for increments and retiral benefits. Consequential benefits in pursuance to this order be released to the petitioner within a period of three months from the date of receipt of certified copy of this order

21.12.2012
'sp'

(AUGUSTINE GEORGE MASIH)
JUDGE