

-ITEM NO.102

COURT NO.7

SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3868 OF 2003

SUBHASH CHAND

Appellant (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With office report )

WITH  
CIVIL APPEAL NOS.3865-3866/2003(with office report)  
CIVIL APPEAL NO. 3863/2003 (with office report)  
CIVIL APPEAL NO. 3892/2003 (with office report)

Date: 16/02/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE A.K.PATNAIK

For Appellant(s) Mr. Balbir Singh Gupta,Adv.

For Respondent(s) Mr. Manjit Singh, AAGfor  
Mr. Kamal Mohan Gupta,Adv.

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

The appeals are disposed of in terms of the signed  
order. No order as to the costs.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija)  
Court Master

[Signed Order is placed on the File]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3868 OF 2003

Subhash Chand

..Appellant

versus

State of Haryana & Others

..Respondents

WITH

CIVIL APPEAL NO.3865-3866 OF 2003  
CIVIL APPEAL NO.3863 OF 2003  
CIVIL APPEAL NO.3892 OF 2003

O R D E R

Civil Appeal No.3865-66 of 2003

Heard learned counsel for the parties.

These Appeals have been filed against the impugned judgment of the Punjab and Haryana High Court at Chandigarh dated 03rd December, 2001 and subsequent order dated 1.2.2002 passed in Review Petition.

It appears that the appellant was initially appointed on adhoc basis but thereafter there was a gap and then again he was appointed on adhoc basis. Ultimately his services were regularised. By mistake, he was given increments for the adhoc period but later on that mistake was realised because it was against the Service Rules and it was rectified and recovery was sought to be made.

A writ petition was filed by the appellant which has been dismissed by the High Court by its order dated 03 rd December, 2001 and review against the said order was also dismissed. Hence, these appeals.

-2-

In our opinion, when a mistake has occurred, it can always be corrected and hence there was nothing wrong in the action taken by the respondents. However, on the facts of the case, we direct that the amount which has already been paid shall not be recovered from the appellant.

Learned counsel for the respondents states that respondents shall fix the pay of the appellant at par with his counter parts but he will not claim arrears. This is a reasonable attitude taken by the respondents.

The Appeals are disposed of accordingly. No order as to the costs.

Civil Appeal Nos.3868/2003, 3863/2003 and 3892/2003

In view of our order passed today in Civil Appeal Nos.3865-3866 of 2003, these appeals are also disposed of in the same terms.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
FEBRUARY 16, 2010

.....J.  
[A.K. PATNAIK]