

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). 4614 OF 2007

PUNJAB MANDI BOARD Appellant (s)

VERSUS

JAGRUP SINGH & ANR. Respondent(s)

(With office report )

Date: 25/05/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE SWATANTER KUMAR  
(VACATION BENCH)

For Appellant(s)

Mr. Vivek Kishore, Adv.  
Mr. R.N. Keshwani, Adv. (NP)

For Respondent(s)

Mr. Deepak Goel, Adv.  
Ms. S. Janani, Adv. (NP)

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

This appeal is dismissed in terms of the signed  
order.

(Sukhbir Paul Kaur)  
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.4614 OF 2007

PUNJAB MANDI BOARD Appellant(s)

Versus

JAGRUP SINGH & ANR. Respondent(s)

O R D E R

This appeal by special leave is directed  
against the judgment and order dated 22nd September,

2003 passed by the High Court of Punjab and Haryana at Chandigarh in Regular Second Appeal No.4280 of 2003 by which the High Court has dismissed the Second Appeal pointing out that no substantial question of law is involved therein and the two Courts below have concurrently held that the respondent-employee was denied promotion since 25.11.1988 and when he was promoted vide Order dated 1.4.1999 with effect from 25.11.1988 notionally the employee could not have been denied the arrears of salary on the ground of "No work No pay".

Mr. Vivek Kishore, learned counsel appears on behalf of the appellant and Mr. Deepak Goel, learned counsel appears on behalf of the respondents.

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Mr. Vivek Kishore, learned counsel for the appellant submitted that the concurrent findings recorded by all the Courts below are perverse as the principle of "No Work No Pay" would apply in case the respondent-employee had been granted promotion with retrospective effect. The suit itself was time barred and could be rejected on this sole ground.

We have gone through the judgment of the First Appellate Court wherein without any discussion the First Appellate Court has affirmed the findings recorded by the Trial Court on certain issues and particularly on the issue of limitation. Issue No.5 framed by the Trial Court has been, as to whether the suit was time barred.

Learned counsel for the appellant or the respondent did not consider it appropriate to place the copy of the Trial Court's Judgment on record. Learned counsel for the appellant does not have the copy of the

said judgment or any other relevant record of the case.  
In such factual situation it is not desirable on the  
part of the Court to decide as to whether the findings  
recorded by the Courts below could be perverse and may  
require interference by this Court in its discretionary  
jurisdiction under Article 136 of the Constitution of

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...3/-

India. Such a issue cannot be decided without going  
through the record, particularly, the Trial Court's  
judgment and other relevant documents which had not  
been filed by the appellant though the appeal was  
preferred in April, 2004 i.e. more than six years ago.

It is apparent from the proceedings dated  
4.8.2006, that time was granted to the appellant to  
file additional documents, so that the Court may  
adjudicate the controversy properly. However, learned  
counsel for the appellant made a statement before the  
learned Registrar of this Court on 25.8.2006, that the  
appellant would not file any other document.

Thus, it is apparent that the appellant has  
preferred this appeal just to waste public money and  
time.

In view of the above, this appeal stands  
dismissed. However, the question of law is left open.

.....J.  
(Dr. B.S. CHAUHAN)

.....J.  
(SWATANTER KUMAR)

New Delhi,  
May 25, 2010