

C.A.No. 5059 OF 1998
 .UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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L.....I.....T.....T.....T.....T.....T.....T.....J.....
 ITEM NO. 103 COURT NO. 3 SECTION XV

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. 5059/1998

Secy. Punjab State Rural .. Appellant (s)
 Development and Panchayat
 Department & Anr.

Vs.

Veena Rani .. Respondent(s)

(With office report)

DATE : 20.3.2002 :0 This/These matter (s) was/were
 called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
 HON'BLE MR. JUSTICE P.VENKATARAMA REDDI

For Appellant (s) : Mr. Seeraj Bagga, Adv.
 Mr. R.S. Suri, Adv.

For Respondent (s) : Mr. Anant Vijay Palli, Adv.
 Mr. Atul Sharma, Adv.
 Ms. Shubhra Singh, Adv.
 Ms. Rekha Palli, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Mr. Seeraj Bagga, learned senior Advocate
 argued from 12.40 p.m. till 12.50 p.m.

Subject to modification of the decree of trial
 Court as affirmed in appeal and on second appeal, this
 appeal is dismissed.

.SP1

Charanjit

[Om Prakash]
 Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5059/1998@@
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Secy. Punjab State Rural .. Appellants
Development and Panchayat
Department & Anr.
Vs.

Veena Rani .. Respondent

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A suit was filed by the respondent for declaration that she is entitled to be regularised as a permanent Government employee in the office of Block Development and Panchyat Office, Sehna with benefits admissible under the relevant rules and sought for certain other incidental reliefs.

The trial Court on examination of the matter found that her case fell within the scope of the Circular dated 29.3.1985 and recommendations also had been made by the Department concerned. However, her case for regularisation in terms of the circular had not been considered by the Government and, therefore, it granted the decree though objections had been raised in relation to the question of limitation inasmuch as the suit had been filed in the year 1990.

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It is brought to our notice that respondent's services had been terminated prior to the issuance of the Department's circular dated 29.3.1985.

The trial Court held that as the Department itself had recommended her case for regularisation and she had made representation in that regard, the cause had not died and it was still alive on the date when she filed the suit and thus she was saved of limitation. That view stood affirmed by the first appellate Court which was not interfered with on second appeal.

The view taken by the High Court and the Courts below on the question of limitation on the facts and circumstances arising in the case appears to be correct and calls for no interference. As regards the grant of other benefits claimed by her is concerned, the Respondent not having worked in the office, it would be appropriate to deny her the monetary benefits. It would otherwise be a premium given on pursuing the matter only to gain monetary benefits even by not working in the office. Further we may notice that it would be appropriate to direct the appellants to take her in service either in

..3/-

the same post in which she was working or any other equivalent post within three months from the receipt of this order, if she had not already been absorbed in service.

Subject to above modification of the decree of Trial Court as affirmed in appeal and on second appeal, this appeal is dismissed.

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[S. RAJENDRA BABU]@@
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[P.VENKATARAMA REDDI]@@
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New Delhi,@@
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March 20, 2002 @@
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