

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
C I V I L A P P E A L N O (S) . 9 4 0 O F 2 0 0 2

STAT E OF PUNJ A B & ORS

Appellant (s)

VE R S U S

SANG H U SING H & ORS

Respondent(s)

(With office report)

Date: 30/04 / 2 009 This Appeal was called on for hearing today.

COR A M :

HON' B L E M R. JUST I C E H A R J I T SING H B E D I
HON' B L E M R. JUST I C E B. SUD E R S H A N R E D D Y

For Appellant(s)

Mr. Ajay Pal,Adv.

For Respondent(s)

Mrs. K. Sarada Devi,Adv.

Rr- Ex-Parte

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

In terms of the signed order, we allow this appeal, set aside the impugned order of the High Court and dismiss the writ petition. We, however, clarify that if the arrears as calculated and the pensionary and other benefits have already been paid to the respondents in the meanwhile, no recovery shall be effected from them. There will be no order as to costs.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master

[Signed order is placed on the file]
I N T H E S U P R E M E C O U R T O F I N D I A

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 9 4 0 O F 2 0 0 2

STAT E OF PUNJ A B & ORS.

.....AP P E L L A N T (S)

Versus

SANG H U SING H & ORS.

.....RES P O N D E N T (S)

O R D E R

This appeal is directed against the judgment dated 11.12.1996 of the Division Bench of the High Court of Punjab & Haryana issuing directions to the appellant in the following terms:-

"In the above circumstances, we direct the

respondents to re-compute the pensionary benefits due to the petitioners after reckoning the services rendered by them in the schools run by the Local Bodies prior to 1.10.1957. Arrears of pension and gratuity as may be found due, should be paid to the petitioners within six months from the date of receipt of copy of this judgment. Writ petition is allowed in the above terms."

2. The State of Punjab, aggrieved by the aforesaid direction, has filed the present appeal by special leave. At the time of issuing of notice in this case on 1.12.1997, this Court had directed that the notice going to the respondents shall state that the matter will be disposed of at the SL P stage in the light of the judgment of this Court in State of

.....2.

Punjab & Ors. Vs. Dev Dutt Kaushal & Ors., 1995 Supp.(4) SCC 748.

We are informed that this judgment has been followed in a subsequent judgment of this Court in State of Punjab & Ors. Vs. Harnam Singh & Ors., (1997) 3 SCC 32.

3. The respondents have been served but they have not put in any counter affidavit. The case has also been called out several times today, but no counsel has appeared to defend the case on their behalf.

4. We have gone through the impugned order and find that the case is covered in favour of the State of Punjab by the aforesaid judgments.

5. We, accordingly, allow this appeal, set aside the impugned order of the High Court and dismiss the writ petition. We, however, clarify that if the arrears as calculated and the pensionary and other benefits have already been paid to the respondents in the meanwhile, no recovery shall be effected from them. There will be no order as to costs.

.....J.
(H A R J I T S I N G H B E D I)