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SLP(C)No. 21299 OF 2000

ITEM No.203

Court No. 3

SECTION IVB
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.21299/2000

(From the judgement and order dated 19/04/2000 in CWP 3805/00
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MUNICIPAL COUNCIL, FEROZEPUR

Petitioner (s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 22/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. BS Mor,Adv.
Mr. SM Hooda,Adv.
Mr. Mahinder Singh Dahiya,Adv.

For Respondent (s) Mr. P.K. Jain,Adv.

1-3 Mr. Jagjit Singh,Adv. for
Mr. Rajeev Sharma,Adv.

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

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.SP2

After hearing learned counsel for the parties for
ten minutes, the Court dictated an order granting leave
and allowing the appeal with no order as to costs.

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(Neelam Kawatra) (S. Krishnan)
Court Master Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2344 OF 2002@@
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(Arising out of S.L.P.(C)No.21299/2000)

Municipal Council, Ferozepur

Appellant (s)

versus

State of Punjab & Ors.

Respondent (s)

O R D E R@@
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Leave granted.

Mohinder Paul was an employee of the appellant herein. In the year 1991, Mohinder Paul retired from service and collected his retiral benefits. In 1994, the Government of Punjab issued a notification dated 28.7.94 whereby all the employees of the Municipal Council were made eligible for the grant of pensionary benefit with effect from 1.4.1990. The said notification stipulated that any employee who has already retired before the issuance of the notification is required to exercise his option within a period of four months for grant of pensionary benefits. The case of the appellant is that Mohinder Paul did not exercise his option within the period provided under the said notification. Subsequently, on 2.6.1997, Mohinder Paul died. In the year 1998, respondent No.4 who is the wife of Mohinder Paul filed a writ petition under Article 226 of the Constitution before

-2-

the Punjab and Haryana High Court claiming pensionary benefits in terms of the notification dated 28.7.1994. In the said writ petition, the State of Punjab, Director of Local Government, Punjab and the Deputy Director, Local Government, Ferozepur were arrayed as respondents. The appellant herein was not the party in the writ petition. It appears that the said writ petition was referred to the Lok Adalat organised by the High Court of Punjab. Before the Lok Adalat, an application was moved for impleading the appellant herein which was allowed and notice was directed to be issued.

It further appears the appellant could not appear before the Lok Adalat and in its absence the writ petition was allowed and direction was issued to the appellant to pay the pensionary benefits in terms of the notification dated 28.7.1994. Under such circumstances, the petitioner filed a writ petition challenging the order passed by the Lok Adalat of Punjab. The said writ petition was dismissed by the High Court. It is against the said order and judgment of the High Court, the appellant has filed this appeal by way of special leave petition.

It is not disputed that the appellant herein was not party to the writ petition. Under Section 20 of Legal Services Authority Act (hereinafter referred to as 'the Act'), no case can be referred to the Lok Adalat except after giving reasonable opportunity of being heard to the parties. The appellant was not party to the writ petition when the High Court referred the matter before the Lok Adalat. Under such circumstances the Lok Adalat ought to have sent the matter to the High Court for compliance of the provisions of Section 20 of the Act. On this short ground the appeal deserves to be allowed.

In that view of the matter, the order under challenge is set aside. The matter is sent back to the High Court to decide the writ petition either on merits or if the High Court feels that the matter requires to be referred to Lok Adalat, such order may be passed after hearing the appellant herein.~

The appeal is allowed. There shall be no order as to costs.

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.....J
(V.N. Khare)

New Delhi,
March 22, 2002.

.....J
(Ashok Bhan)