

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

Petition(s) for Special Leave to Appeal (Civil) No.163/2004

(From the judgement and order dated 18/09/2003 in CWP 10302/03  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PUNJAB STATE ELECTRICITY BOARD &amp; ANR.

Petitioner (s)

VERSUS

GURBACHAN SINGH BACHI

Respondent (s)

(With prayer for interim relief)

Date : 26/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARIJIT PASAYATFor Petitioner (s)Mr. RS Suri, Adv.  
Mr. CB Prasad, Adv. for

Ms. Naresh Bakshi,Adv.

For Respondent (s)Mr. Gurminder Singh, Adv.  
Mr. AP Dhamija, Adv. for

Ms. Pratibha Jain,Adv.

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

Leave granted.

Heard the learned counsel for the parties.

The appeal is disposed of in terms of the signed order. No costs.

(D.L.Chugh) (Vijay Aggarwal)

AR-cum-PS Court Mastery

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2677 OF 2004

(Arising out of SLP(C) No.163 of 2004)

PUNJAB STATE ELECTRICITY BOARD &amp; ANR.Appellant(s)

versus

GURBACHAN SINGH BACHIRespondent(s)

O R D E R

Leave granted.

Heard the learned counsel appearing on either side.

Even while ordering notice in the special leave petition it was indicated as to why the matter should not be ordered to be remitted to the High Court for clarifying as to what was meant by "all consequential benefits", since there is some controversy in the light of decided cases as to what it should comprehend at this stage in the facts and circumstances of the case. Respondent entered appearance and filed counter affidavit and the appellant also filed a rejoinder. When, the order of punishment is set aside on account of defective procedural formalities or non observance of principles of natural justice and liberty is granted to the competent authority to pass fresh orders in accordance with law - what could be the consequential benefits that can be accorded at that stage requires to be considered in the case, wherein while setting aside the order of dismissal, liberty has been granted to pass fresh orders in accordance with law.

Consequently, we remit the matter to the High Court to enable the High Court to specifically deal with that position in the order by making a fresh order in that regard after hearing both the parties. We make it clear that we have not expressed any opinion on the contentions of the learned counsel appearing on either side on merits. The appeal is disposed of with no order as to costs.

.....J.  
(DORAISWAMY RAJU)

.....J.  
(ARIJIT PASAYAT)

New Delhi,  
APRIL 26, 2004