

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). 10692 OF 2011

HARYANA STATE & ANR.

Appellant(s)

VERSUS

**DILBAGH SINGH (DECEASED)
THR. LRS.**

Respondent(s)

ORDER

The respondent (now deceased) was terminated by the Milk Commissioner, Haryana vide order dated 25.09.1989 on the pretext that his services were no longer required. The respondent challenged the order by filing a civil suit seeking declaration and asking for consequential reliefs. The said suit was decreed by the trial court on 03.09.1991 inter alia on the ground that the order of termination, which is having civil consequences, could not have been passed without observing the principles of natural justice. The Court further directed for reinstatement of the respondent with full back wages and all consequential benefits. The

Judgment passed by the trial court has been confirmed by the First Appellate Court as well as by the High Court. Being aggrieved the State of Haryana is in appeal before us.

The appellant died on 08.04.2019 and his legal heirs are now contesting this appeal. On perusal of the record of this appeal, it is revealed that on 25.02.2011, limited notice was issued confined to the question of payment of back wages. Therefore, this Court was primarily of the opinion on the initial date of hearing that the order of reinstatement was not to be faulted, but the issue of back wages only has to be adjudicated.

Heard learned counsel for the parties. The respondent was terminated in September, 1989. The suit was decreed in 1991. The appellant was reinstated on 21.07.2011 and attained the age of superannuation in 2015. Therefore, considering the said aspects, we modify the decree of grant of full back wages and reduce it to that of 50% backwages while maintaining the Decree of reinstatement.

In view of the aforesaid, this appeal is allowed in part. The decree of the Court below is modified to the extent indicated above.

Pending interlocutory application(s), if any, is/are disposed of.

.....**J.**
[J. K. MAHESHWARI]

.....**J.**
[K. V. VISWANATHAN]

New Delhi;
OCTOBER 12, 2023.

ITEM NO.105

COURT NO.11

SECTION IV

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

Civil Appeal No(s). 10692/2011

HARYANA STATE & ANR.

Appellant(s)

VERSUS

DILBAGH SINGH (DECEASED) THR. LRS.

Respondent(s)

Date : 12-10-2023 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) Mr. Rajesh Kumar Singh, A.A.G.
Mr. Amit Pandey, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Keshav Mittal, Adv.
Ms. Sabarni Som, Adv.
Mr. Aman Dev Sharma, Adv.

For Respondent(s) Dr. Aditya Sondhi, Sr. Adv.
Dr. Suresh Kumar, Adv.
Ms. Meghna T. M., Adv.
Ms. Aishwaya S. M., Adv.
Mr. Naresh Kumar, AOR

Mr. Satyendra Kumar, AOR

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

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

(Signed order is placed on the file)