

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.797 OF 2009
(@SPECIAL LEAVE PETITION (CIVIL)NO.21016 OF 2006)

STATE OF PUNJAB & ANR.

Appellant(s)

VERSUS

SURINDER PAL SINGH & ANR.

Respondent(s)

O R D E R

Leave granted.

2. The respondents, by a judgment dated 5th April, 1999 of the Division Bench of the Punjab & Haryana High Court at Chandigarh, were directed to be appointed in service and the Public Service Commission was to take steps within 30 days for doing so. Thereafter steps were taken by the State and as there was some delay, the respondents again went to the Court for implementation of the order and the appointments were made in September, 2000. As they had to be given appointments from 1998 onwards the notional scale pay was fixed and they were also given the notional increments for belated appointments. The respondents thereafter filed a writ petition claiming that they should be given arrears of salary from the period 1998. The High Court, by the impugned judgment, has directed that as these respondents ought to have been appointed from 1998, the State should pay their salary from 1998 onwards.

3. Heard both sides.

4. Learned counsel appearing for the State contends that the respondents were appointed only from the year 2000 and so the State may not be directed to pay the salary for the period for which they were not working and, in our opinion, there is no justifiable reason to give salary to these respondents for the period for which they had not worked. The respondents, in any way, are entitled to get their notional increments as they ought to have been appointed from the year 1998 onwards. They were not entitled to salary for the period for which they were not working. Therefore, we set aside the order of the High Court to that extent.

5. The appeal is allowed to the extent indicated above. No costs.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(P. SATHASIVAM)

NEW DELHI;
FEBRUARY 6, 2009.