

Jagdish Chandar Handa

Vs

Union of India and Another

Civil Appeal No. 965 of 1987

(M. M. Dutt, O. Chinnappa Reddy JJ)

08.04.1987

ORDER

1. Special leave granted.

2. The only question in this appeal is whether the respondents were entitled to invoke Rule 2044 of the Railway Establishment Code to make deduction, for the period during which he was under suspension, from the wages which became due to the appellant consequent on the order of dismissal being set aside by the civil court. The controversy is no longer open in view of judgment of this Court in Dilbagh Rai Jarry v. Union of India ((1974) 3 SCC 554 : 1974 SCC (L&S) 89 : (1974) 2 SCR 178) where it has been held that Rule 2044 of the Railway Establishment Code has no application to a case where the order of dismissal has been set aside by the civil court. The order of the appellate authority and the High Court are set aside and the order passed by the Payment of Wages Authority is restored. The appellant is entitled to his costs.

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