

SUPREME COURT OF INDIA

Sanat Kumar Dwivedi

Vs.

Dhar Jila Sahakari Bhoomi Vikas Bank Maryadit

(S.B. Majmudar and M.B. Shah JJ.)

09.08.2000

ORDER

1. We have heard learned Counsel for the appellant as well as learned Counsel for respondent No. 1.
2. The admitted facts are that the appellant was reinstated in service by order dated 12.5.1978 with a condition that he will not get any back wages. Obviously, earlier on 8.3.1976, his services were terminated but by the aforesaid order, he was reinstated without back wages. He accepted such reinstatement without back wages by his joining report, Annexure-R-4 at page 106 of the paper book that he had joined his duty on 13.5.1978. By his own conduct, the appellant has accepted the correctness of the order of reinstatement without back wages. Under these circumstances, subsequent dispute raised by him regarding back wages was clearly not maintainable as held by this Court in State of Punjab and Ors. v. Krishan Niwas . In view of the settled legal position, no interference is called for. The appeal is therefore, dismissed.
3. It is clarified that this order will not be treated to be resulting in any break in service of the appellant. He will be deprived of only the back wages. The continuity of service and all other notional benefits on that basis will be available to him. It appears that when the order of reinstatement was granted, except depriving him of back wages, it necessarily meant that the continuity of service was implicit in the reinstatement. Even condition Nos. 1 and 2 of the order of reinstatement clearly indicate that he is reinstated in service with continuity as pay scales and other benefits were also directed to be given.
4. No costs.