

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 9868 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 13032 OF 2017]

GOPAL DUTT SHUKLA

Appellant (s)

VERSUS

BIHAR STATE ROAD TRANSPORT
CORPORATION AND ORS

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is aggrieved by the denial of service benefits for the period between 08.10.2004, the date on which the order on compulsory retirement was passed, and 28.11.2007, the date on which the order of compulsory retirement was set aside and reinstating him in service.

3. We have heard the learned counsel appearing for the appellant as well as the learned counsel appearing for the Corporation. The original order of compulsory retirement imposed on the appellant on 08.10.2004 having been set aside on 28.11.2007, the appellant would normally have been entitled to all the consequential benefits. But the fact remains

that he has not actually worked from the date of punishment imposed on him i.e. from 08.10.2004 till reinstatement pursuant to the order dated 28.11.2007.

4. Therefore, the respondents are directed to treat the service of the appellant between the date of compulsory retirement and the date of reinstatement pursuant to the order dated 28.11.2007 as continuous for all purposes, except for the actual wages.

5. In view of the above, the appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
September 24, 2018.