
(2001) 01 AP CK 0049
In the Andhra Pradesh High Court
Case No : WA No. 47 of 2001

K.M. Gopinath Pillai

APPELLANT

Vs

A.P. TRANSCO and another

RESPONDENT

Date of Decision : 29-01-2001

Acts Referred:

Citation : (2001) 2 ALD 180 : (2001) 1 ALT 704

Hon'ble Judges : Satya Brata Sinha, C.J; S.R. Nayak, J

Bench : Division Bench

Advocate : Mr. K.S. Gopala Krishnan, for the Appellant; Mr. S. Ravindranath, SC for A.P. TRANSCO, for the Respondent

Judgement

S.B. Sinha, CJ

1. This appeal is directed against an order dated 8-11-2000 passed by a learned single Judge of this Court in WP No.15935 of 1999 whereby and whereunder the writ petition filed by the petitioner-appellant herein seeking for a writ in the nature of mandamus directing the respondents to treat his service as "on duty" from the date of suspension till the date of his reinstatement i.e., from 16-6-1978 to 17-8-1989 by fixing the notional increments has been dismissed.

2. It is not in dispute that the petitioner was placed under suspension. Subsequently, by reason of an order passed in WP No.11545 of 1984, he was reinstated into service. A learned single Judge of this Court, in the said order, held that the appellant herein is entitled to special benefits for promotion, but without monetary benefits. Interpreting the said words, in the order under appeal, the learned single Judge held:

".....That means releasing of increments amounts to monetary benefits, for which the petitioner is not entitled. Viewing from any angle, I do not see any merits in the writ petition."

3. The contention raised before us by the learned Counsel for the appellant is

that although his client may not be entitled to the monetary benefits during the period of suspension, but the same would not mean that the incremental benefits would be denied to him in future also.

4. We agree with the aforementioned contention. The very fact that the appellant was reinstated into service clearly shows that there would not be any break therein and as such all the consequential benefits would be attached thereto. As indicated herein before, the petitioner had also not been denied the consequential benefit of promotion. Thus, the petitioner, pursuant to the said judgment passed in WP No.11545 of 1984, could only be deprived from receiving the actual monetary benefits during the aforementioned period, which, in our considered opinion, would not mean that he would be deprived from the increments in future also. Unless and until the increments during the period of his suspension in which he was deemed to be in service, which were notionally calculated, he would not only be deprived from such benefit pursuant to the order of the learned Judge for the period he was under suspension, but also in future. Such could not have been the intention of this Court, while disposing of WP No.11545 of 1984.

5. It is now a well-settled principle of law that a judgment cannot be read as a statute. It must be read reasonably and in its entirety. So read, in our opinion, the judgment must be construed in such a manner so that the petitioner may not suffer any other injury, and it was not contemplated under the said judgment.

6. For the reasons aforementioned, we are of the opinion that the impugned judgment can be assailed. The impugned judgment is accordingly set aside and the writ petition is allowed to the extent indicated above. No order as to costs.