IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No.387 of 2015(O&M)
Date of decision: 20.02.2015

State of Haryana and others

....Petitioners

Versus

Babu Lal, ASI No.40/A ...Respondent

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Deepak Manchanda, Addl. Advocate General,
Haryana for the petitioners.

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G.S.Sandhawalia J.(Oral)

Challenge in the present revision petition is to the order dated 20.10.2014 whereby the Civil Judge (Junior Division), Sirsa has dismissed the objections of the State and directed to place the decree holder at proper place in the seniority list and fully comply with the decree.

It is not disputed that vide judgment and decree dated 8.1.2003, the Civil Judge (Senior Division), Sirsa decreed the suit for declaration of the respondent-plaintiff by directing that he be confirmed as Head Constable on his completing two years probation period with effect from 14.11.1979 and to grant him other service benefits flowing from such confirmation. Further direction was also issued to place the plaintiff at proper place of seniority list. Relevant part of the judgment reads as under:-

> "11. Consequent upon my findings in issues above, this suit of the plaintiff is decreed with costs. The defendants are directed to confirm the plaintiff as H.C. on his completing two years probation period w.e.f. 14.11.1979 and also directed to grant him other service benefit flowing from such confirmation including placing the plaintiff at proper place of seniority list. Decree-sheet be prepared accordingly. File be completed and consigned to the record room."

The said judgment and decree became final and the appeal was dismissed on 12.5.2006. The application for execution of the decree under Order 21 Rule 11 C.P.C. was filed on 6.11.2006 by the decree holder for

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issuance of direction to implement the judgment and decree in true letter and spirit. In paragraph no. 3 of the application, chart was given showing the persons who were juniors to him who had been confirmed at an earlier point of time. The said pleading was never disputed as such in the reply/objections filed to the execution application. Accordingly, the impugned order has been passed while rejecting the objections and by holding that the Executing Court cannot go beyond the decree and that all consequential benefits including placement of the plaintiff at proper place in the seniority list shall follow.

Mr. Deepak Manchanda, Addl. Advocate General, Haryana has placed on record a photocopy of communication dated 12.2.2015 as Mark A whereby the Inspector General of Police, Hisar Range, Hisar has written to the Superintendent of Police, Sirsa that certain benefits are being granted to the decree holder subject to decision of the present case in comparison to one Ram Kumar, HPS, who had retired as DSP.

In such circumstances, it is apparent that the petitioners are duty bound to comply with the judgment and decree and the Executing Court has only directed them to implement the judgment and decree in its letter and spirit. Thus, no fault can be found with the impugned order. Resultantly, there is no scope of interference with the well reasoned order passed by the Executing Court.

Accordingly, the present revision petition is dismissed.

20.02.2015 (G.S.SANDHAWALIA)
Pka JUDGE

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