

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.R.No.6064 of 2013 (O&M)

Date of Decision: December 10, 2015

**Punjab State through the Secretary to the Govt.of Punjab, Home
Department, Chandigarh & others**

...Petitioners

Versus

Massa Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**Present: Mr.Piyush Bansal, DAG, Punjab,
for the petitioners.**

**Mr.R.S.Bajaj, Advocate,
for the respondent.**

AMIT RAWAL, J. (Oral)

The Punjab State is aggrieved of the order dated 26.7.2013, whereby the objections filed against the execution of the judgment and decree dated 6.3.1992 passed in Civil Suit No.551 of 1991, have been rejected.

Mr.Piyush Bansal, learned Deputy Advocate General, Punjab appearing on behalf of the petitioners submits that the trial Court has erroneously dismissed the objections by giving reference to the suspension order passed after the reinstatement of the respondent-decree holder, which could not have been taken into consideration as during the interregnum, the respondent-employee was again suspended.

Mr.R.S.Bajaj, learned counsel appearing on behalf of the

respondent-decree holder submits that the suit was decreed in toto, which has been upheld upto the Hon'ble Supreme Court and, therefore, the State cannot thwart the execution of the decree by taking the aid of the suspension order.

I have heard the learned counsel for the parties and appraised the paper book.

The claim in the suit reads thus:-

“Claim:- Suit for declaration to the effect that the order dated 6/1/1989 passed by the Deputy Inspector General of Police, (Admn.) Jalandhar Cantt whereby the appeal was rejected and in which order dated 24/5/1988 passed by the Commandant, 80th Battalion, PAP, Jalandhar Cantt dismissing him from service has merged is illegal and void unlawful and unconstitutional, arbitrary, capricious, null, wanton against the provisions of law, service rules and rules of natural justice unjust and improper, inoperative, ineffective and is therefore not binding him and that he continues to serve the department as constable as before 24/5/1988 he is entitled to all rights privileges and emoluments attached to that rank.”

The decree passed reads thus:-

“Presented on 17/7/89

This suit coming on this day for fixed trial before me (Shri B.S.Mangat, PCS, Sub Judge IInd Class, Jalandhar) in the presence of Shri P.L.Malhotra, Advocate counsel for the plaintiff and G.P. for the defendants.

It is ordered that the suit of the plaintiff is decreed with no order as to costs.”

In essence, the entire claim sought in the suit had been decreed by the trial Court. The petitioner-State of Punjab-employer cannot thwart the execution of the judgment and decree once it has attained finality upto

the Hon'ble Supreme Court. The State cannot take the aid of subsequent suspension order, which is not related to the judgment and decree, in essence, whatever benefits the respondent-decree holder had sought, are required to be given in accordance with law.

I do not find any illegality and perversity in the order under challenge, which cannot be said to have been passed without jurisdiction.

There is no merit in the revision petition. The same is accordingly dismissed.

December 10, 2015
ramesh

(AMIT RAWAL)
JUDGE