

**CM No. 6454 of 2013 in
EA No. 14 of 2013 in
CWP No. 13285 of 2000**

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

**CM No. 6454 of 2013 in/and
EA No. 14 of 2013 in
CWP No. 13285 of 2000
Date of decision : May 14, 2015**

Kali Ram

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. J. K. Goel, Advocate
for the petitioner/applicant.

Mr. Keshav Gupta, AAG., Haryana.

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?

Amit Rawal, J (oral).
CM No. 6454 of 2013

This is an application under Section 151 CPC seeking exemption.

The application is allowed.

Exemption granted.

EA No. 14 of 2013

Mr. Vijay Jain, Engineer-in-Chief, Irrigation and Water Resources Department, Haryana, Panchkula is present in Court. He submits that the Assistant who was dealing with the matter did not inform about the pendency of the execution application and

on accruing knowledge after the last order he has been suspended vide order dated 12.5.2015 (Annexure R-1) and in support of the statement filed an affidavit. The same is taken on record.

The execution application under Order 21 Rule 11 read with Section 151 CPC for seeking execution of the Order dated 27.3.2003 passed in CWP No. 13285 of 2000 titled as Kali Ram Vs. State of Haryana and others has been filed on the premise that the order was passed way back in 2003 and despite that respondent-authority did not pass any fresh order by refixing the pay of the petitioner.

It has been averred that a representation dated 20.2.2013(Annexure P-2) was submitted but yet the respondents did not respond to the same, which necessitated the petitioner to knock the door of this Court.

Learned counsel for the State has filed reply in Court. The same is taken on record. He has referred to Show Cause Notice dated 20.8.2003 whereby the petitioner in pursuance to the directions contained in the order aforementioned was given opportunity to reply qua refixation of the pay in an appropriate scale and the petitioner submitted reply on 5.9.2003 (Annexure R-2), thereafter the authorities have passed an order dated 6.10.2003 (Annexure R-3) and the aforementioned facts intentionally been concealed and suppressed by the petitioner in the present execution application.

Learned counsel for the petitioner-applicant submits

that the aforementioned information was not divulged by the petitioner to him, therefore, the aforementioned facts could not be averred/pleaded.

Be that as it may, the fact remains that the person who does not disclose the true facts to his counsel which ultimately leads to suppression and concealment has to face the music, much less consequences.

Since the order dated 27.3.2003 has already been complied with by serving a Show cause notice which was duly replied by the petitioner and the order has been passed way back in October, 2003, the petitioner did not dare to mention about the same thus, is liable to pay costs.

In view of the fact that already an order dated 6.10.2003 Annexure R-3 has been passed, no cause of action survive in the present execution application. Accordingly, the Execution application stands dismissed.

In view of what has been observed above, the petitioner is liable to pay costs of ₹20,000/- to be paid to the High Court Legal Services Committee (HCLSC) within a period of three months. In case the costs are not paid then the Registry is directed to list the execution application for compliance.

**(AMIT RAWAL)
JUDGE**

**May 14 , 2015
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