

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

CR No. 2654 of 2012 (O&M)

Date of decision: February 11, 2016

Jai Singh

...Petitioner

Versus

General Manager, Haryana Roadways, Rewari and others

...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Arun Yadav, Advocate,
for the petitioner.

Mr. Sidharth Sanwalia, DAG, Haryana.

K. KANNAN, J. (Oral)

1. The revision petition is against the order seeking for arrears of pay. The suit had been filed by the petitioner challenging some penalty imposed through an order which he claimed to have been made without setting out proper reasons and violating the principles of natural justice. The trial court decreed the suit and observed that the decree was being granted only on the technical ground that there was no speaking order and, therefore, it should be competent for the authority to pass a fresh speaking order by following the relevant rules. The plaintiff himself was not satisfied with the nature of the decree passed which allowed the liberty to the defendants to pass a fresh order as per rules. The Appellate Court modified the order of the trial court and provided a time frame of three months from the date of the receipt of the copy of the order, to pass a speaking order, failing which the plaintiff would be entitled also to claim arrears of pay from the date of the suit till date when the amount was due and payable.

2. Admittedly, the respondents passed an order within the time but the plaintiff was contending that the order passed was not in conformity with the direction of speaking order. On the other hand, the fresh order is repetition of the order already passed and reiterated the penalty already imposed. The executing court will not be competent to examine the quality of the order. If the respondents believed that the order that has been passed within the time stipulated is a speaking order, the only remedy for the plaintiff would be to challenge the said order as well in the manner known to law. He cannot ignore the order and ask the executing court to treat the order as nonest and put the decree in execution as though the appellate court judgment itself has nullified an order passed subsequently. The nature of the order which the plaintiff wants to ignore must be brought in challenge in the manner known to law and that cannot be decided by the executing court. A dismissal of the petition by the executing court was justified and I will not make any interference.

3. The revision petition is dismissed.

February 11, 2016
prem

(K.KANNAN)
JUDGE