

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

**RSA No.233 of 1994 (O&M)
Date of Decision: 23.05.2016**

FCI **.....Appellant**
Vs

Rameshwar Sharma **.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Jatinder Jit Kaur, Advocate
for the appellant.

Mr. J.S. Wasu, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)
CM-4683-C-2016

For the reasons mentioned in the application, delay of 11 days in filing the application under Order 41 Rule 19 CPC for restoration of the appeal is hereby condoned.

CM-4684-C-2016

Prayer in the application is for restoration of appeal and for recalling the order dated 03.03.2016. Learned counsel on behalf of the respondent has no serious objection for restoration of the appeal. In view of aforesaid, application is allowed. Appeal is ordered to be restored to its original number.

RSA No.233 of 1994

Both the parties are *ad idem* that pursuant to judgments and decrees of the Courts below, respondent was taken back in service. No stay was granted by this Court in this appeal i.e. RSA No.233 of 1994. Respondent has already attained age of superannuation.

In view of aforesaid, learned counsel for the appellant fairly conceded that this appeal has become infructuous. Learned counsel further stated that since two other cases are also tagged with this appeal, therefore, those cases be decided according to their own merits.

With these observations, this appeal is dismissed as having rendered infructuous.

May 23, 2016

Prince

**(RAJ MOHAN SINGH)
JUDGE**