

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.4301 of 2016

Date of decision:24.7.2017

The Kakrala Kalan Cooperative Agriculture Service Society Ltd.

...Petitioner

Versus

Naib Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.M.S.Bedi, Advocate for the petitioner.
Mr.Gobind Korla, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 19.5.2016 passed by the learned executing court at Annexure P-4, judgment debtor has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Learned counsel for the petitioner submits that LPA No.1130 of 2014 filed by the petitioner is pending before the LPA Bench of this Court.

Learned counsel for the respondent-workman has placed before this Court a copy of order dated 17.7.2014 passed by the LPA Bench and the same reads as under:-

“After arguing for some time, when this Court showed inclination not to interfere on merits, counsel for the appellant restricted the prayer only qua reinstatement of the workman whose service was terminated in the year 1996. It is stated that the workman is at the verge of retirement; the Society is not in

a position to accommodate him and the post has been abolished. In view of that, counsel for the appellant states that instead of reinstatement of the workman, some amount of compensation be awarded to him.

Notice of motion for 9.9.2014.

Reinstatement of respondent No.2 shall remain stayed till further orders.”

Thereafter on 10.9.2015, the LPA Bench passed the following order:-

“Learned counsel for respondent No.2 states that keeping in view the total amount which the respondent No.2 will get in case the writ petition is dismissed is more than Rs.20 lacs, therefore, he says that if 60% of the total amount which is due on the date of his retirement, under the award is paid to him as compensation, he will accept the same.

Learned counsel for the appellant seeks time to have instructions.

Adjourned to 15.10.2015.”

When the learned counsel for the appellant in LPA was not coming forward after having appropriate instructions, in compliance of the above-said orders, the LPA Bench vacated the above-said order dated 17.7.2014, vide its order dated 1.12.2015, which reads as under:-

“On 10.9.2015, learned counsel for the appellant sought time for having instructions. On the next date i.e. 15.10.2015, again time was sought. Today, the case was called twice, but none has put in appearance on behalf of the appellant. Thus, interim order dated 17.7.2014 is hereby vacated.

Adjourned to 15.1.2016.”

A combined reading of the above-said orders passed by the LPA Bench would make it crystal clear that so far as pendency of LPA is concerned, it is only against the reinstatement of the respondent-workman,

because learned counsel for the appellant had restricted his prayer only qua reinstatement of the workman. So far as the amount of back wages is concerned, neither any LPA is pending nor the petitioner has got any other justified reason with it not to pay the amount of back wages to the respondent-workman. It seems that the petitioner is trying to misuse the process of law.

Learned counsel for the respondent-workman has submitted that not even a single penny out of the huge amount on account of back wages has been paid to the respondent-workman by the petitioner, who is proceeding on a malafide approach.

When confronted with the above-said factual as well as legal aspects of the matter, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. No fault can be found with the impugned orders passed by the learned executing court and both the impugned orders Annexures P-3 and P-4 deserve to be upheld.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned orders, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned orders are supported by sound reasons, because of which no fault can be found with it and the same deserve to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly

misconceived, bereft of merit and without any substance, thus, it must fail.

No case for interference has been made out.

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

24.7.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No