

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

RSA-4917-2012 (O&M)

Date of Decision : 14.11.2017

Panmeshwari Devi and others

..... Appellants

Versus

Sub Divisional Engineer and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sanjiv Gupta, Advocate
for the appellants.

Mr. P.S. Poonia, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower appellate court reversing that of the trial court and dismissing the suit of the appellants for mandatory injunction.

In this case, the following order was passed on 10.01.2014:-

*“Counsel for the appellants states that the dismissal order of the predecessor-in-interest of the appellants has been passed with retrospective effect which is not permissible in law and at the most the same can take effect on the date such an order was passed and, thus, the appellants shall be entitled to at least suspension allowance till the said date. In support of this case, counsel has cited **Punjab State Electricity Board vs. Presiding Officer, Labour Court, Bathinda, 1992(3) S.C.T. 709 (P&H).***

Notice of motion to the limited extent aforesaid only for 18.03.2014.

Dasti.”

However, in para No.2 of the judgment of the trial court it was mentioned as follows:-

“The facts of the suit, as stated by the plaintiffs, are that the husband of the plaintiff No.1 and father of plaintiff No.2 to 4, Ram Saroop, was in service of the defendants, while he died on 18.05.2007. The plaintiffs are the legal heirs of the deceased Ram Saroop. At the time of death, Ram Saroop was placed under suspension vide order dated 20.12.1999 and he remained under suspension till his death. Till his death, the deceased Ram Saroop received subsistence allowance regularly. After the death of Ram Saroop, the balance of subsistence allowance was paid to the plaintiff no.1 from 01.05.2007 to 18.05.2007.....”

A perusal of the aforesaid facts make it clear that the relief was already granted to the appellants.

In the circumstances, nothing survive in this appeal. Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

November 14, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No