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

CR No.4035 of 2018

Date of Decision: 02.07.2018

The State of Haryana through Collector Sirsa, District Sirsa and
another

....Petitioners

Vs

Kundan Lal

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pawan Kumar Jhanda, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

1. The civil Court decree was passed in favour of decree holder on 04.09.2010, the execution of which is pending in the Executing Court.

2. The decree dated 04.09.2010 was affirmed in civil appeal by Additional District Judge, Sirsa vide judgment and decree dated 06.09.2011. The decree holder was entitled for fixation of pay as per decree of the Court and the arrears are to be calculated along with interest till final realization of the amount.

3. After passing of the decree, (The Haryana Abolition of the Distinction of Pay Scale between Technical and Non Technical Posts) Act, 2014 was passed. The applicability of the

aforesaid Act is the subject matter of challenge in RSA No.1213 of 2013 which is pending adjudication in the High Court in which stay was specifically rejected vide order dated 23.02.2018.

4. In the present revision petition, order dated 07.05.2018 passed by the Executing Court has been assailed whereby prayer for dismissal of execution was declined.

5. Since, there is no stay in the pending RSA, the Executing Court cannot go beyond the decree passed by the trial Court. Plea of retrospectivity of the Act of 2014 would be appropriately answered in pending RSA or any other litigation.

6. No ground is made out to stay execution of the decree passed by the competent Court.

7. This revision petition is found to be totally devoid of merits and the same is accordingly, dismissed.

02.07.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No