

Civil Revision No. 8719 of 2015(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 8719 of 2015(O&M)
Date of Decision : 06.02.2018

State of Haryana and others ...Petitioners

Versus

Angad Kumar ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Pawan Kumar Jhanda, AAG, Haryana.

Mr. Rakesh Gupta, Advocate for the respondent.

Kuldip Singh, J.(Oral)

Impugned in the present revision petition is the order dated 09.10.2015 passed by learned Additional Civil Judge (Sr. Divn.), Ellenabad (Sirsa), vide which objections filed by the petitioner-State were dismissed.

Heard.

It comes out that the plaintiff had filed a suit challenging his dismissal order dated 08.04.2005. The suit was dismissed by the trial Court vide judgment and decree dated 29.01.2011 which was set-aside by the appellate Court vide judgment dated 28.09.2013. However, the department was given liberty to pass a fresh order in accordance with law.

The department did not file any appeal nor any fresh order is passed.

Vide the impugned order, while dismissing the

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objections, the JDs were directed to first join the decree holder in service and then re-examine the issue of consequential benefits to be given to the decree holder. They are also to take decision in terms of the decree.

I am of the view that no departmental action can be taken against the decree holder unless he is in service. Therefore, there is nothing illegal in the impugned order. The decree was passed by lower appellate Court in the year 2013 giving liberty to the department. They are always at liberty to pass a fresh order in accordance with law.

Dismissed.

February 06, 2018
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(KULDIP SINGH)
JUDGE

Whether speaking/reasoned? *Yes*

Whether reportable? *No*