

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 896-2016 (O&M)

Date of decision: 14.02.2018

Mukhtiar Singh

.....Petitioner

versus

State of Punjab and another

...Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Amit Arora, Advocate for the petitioner

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Impugned in the present revision is the order dated 7.9.2015 (Annexure P5), passed by learned Civil Judge (Junior Division), Batala, vide which, on the objections filed by the JD regarding the implementation of judgment and decree dated 28.2.2004 the execution was disposed of having been satisfied.

It comes out that the plaintiff had filed civil suit for declaration challenging the order 17.1.2000, vide which his two increments were stopped with cumulative effect. Suit was decreed vide judgment and decree dated 28.2.2004 and plaintiff was held entitled to two increments with all service benefits as if the impugned order dated 17.1.2000 was never passed.

I have heard learned counsel for the petitioner and have also carefully gone through the file.

Now, it comes out that the plaintiff remained under suspension from 1.3.1999 to 5.2.2000. Neither any relief was claimed regarding the

suspension period nor the same was specifically granted. Regarding the suspension period, a specific order was passed on 29.2.2000 by the department. Now, the plaintiff claims that he should also be granted benefit of suspension period. Order dated 29.2.2000 was never challenged by the plaintiff before any Court. By the judgment and decree only order stopping two increments vide order dated 17.1.2000 was set aside which would have the effect as if the plaintiff was never punished. However, it would not mean that the Court also held that for the suspension period, plaintiff is entitled to any salary and other benefits. The department can always decide about the fate of suspension period. Regarding suspension period a separate order has been passed. The remaining judgment and decree has been complied with. Therefore, there is nothing illegal in the order of the trial Court, whereby the trial Court did not consider to grant any benefit of suspension period and consequential benefits thereto. There is no illegality or infirmity in the impugned order.

Resultantly, the present revision petition stands dismissed.

14.02.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No