

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

Sr. No.111

**Civil Writ Petition No.8604 of 2018**  
**DECIDED ON: July 12, 2018**

**SANTRA DEVI AND OTHERS**

**..PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. Sanjay Mittal, Advocate, for the petitioners.

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**JASPAL SINGH, J.**

By virtue of the instant civil writ petition preferred under Article 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of mandamus directing the respondents to release the payment of all arrears of salary of late husband of petitioner No.1 (also father of respondents No.2 to 4), namely Sh. Chandgi Ram from 30.07.1975 till 08.04.1988, including the salary of termination period, annual increments, revised pay scale and pensionary benefits etc. from 30.09.2006 i.e. date of retirement with penal interest @ 18% p.a. till the date of realization by treating termination period of late Sh. Chandgi Ram as on duty for all intents and purposes WITH FURTHER direction to fix and pay the due arrears of the revised family pension of deceased her husband from 21.08.2014 i.e. date of his death till upto date with penal interest @ 18% p.a.

2. During the course of arguments, it has emerged that the predecessor-in-interest of petitioners namely Chandgi Ram preferred Civil Suit No.135/240 of 1979/1982 challenging the order dated 30.07.1975, whereby his services were terminated. The said suit was decreed vide judgment and decree dated 28.02.1983 by Sub Judge, 2<sup>nd</sup> Class, Rewari (P-1). Aggrieved against the aforesaid judgment and decree dated 28.02.1983 (P-1), the State of Haryana & anr. preferred Civil Appeal No.89 of 1983, which was dismissed vide judgment dated 19.08.1987 (P-2) passed by the District Judge, Narnaul. Not only this, the State of Haryana & anr. preferred Regular Second Appeal No.3603 of 1987 but it was also met with the same fate and was dismissed in limine vide judgment dated 05.01.2012 (P-3).

3. In view of aforesaid facts and circumstances, it is abundantly clear that Chandgi Ram, the predecessor-in-interest of the petitioners is already cloaked with the decree passed by the Civil Court, which has attained finality and as such, instant petition seeking mandamus to release the arrears of salary or interest etc. is not legally maintainable particularly when the Civil Court decree referred to above can be legally got executed by resorting to the execution proceedings. Since, instant petition is not legally maintainable, it stands dismissed. However, petitioners shall be at liberty to have recourse to the remedies provided before Civil Court for getting implemented the judgment & decree which already exists in his favour.

**July 12, 2018**

*Ankur*

**(JASPAL SINGH)  
JUDGE**

**Whether speaking/reasoned  
Whether reportable**

**Yes  
Yes/No**