

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

CR-7149-2016

Date of Decision: September 30, 2019

Surender Singh

...Petitioner

Versus

Haryana Government through Collector, Sonipat and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. Kulvir Narwal, Advocate,
for the petitioner.

Mr. Jasmeet Singh Bedi, Addl. AG, Haryana,
for the respondents.

ARUN PALLI, J. (ORAL)

Plaintiff-decree holder is in revision against an order dated 04.07.2016, passed by the Executing Court, vide which his execution petition was dismissed, for, the decree, dated 23.12.2010, in his favour stood satisfied.

Concededly, the suit filed by the petitioner for mandatory injunction was dismissed by the Trial Court, whereas the appellate Court, in appeal preferred by the petitioner, decreed the suit, vide judgment and decree, dated 23.12.2010. Respondent-judgment debtors were accordingly directed to consider his claim afresh for promotion, in terms of the Memo. Dated 31.08.1995, and dispose of all the pending representations. And, if found eligible then to promote him with retrospective effect with all consequential benefits.

It is not disputed either that in compliance to the decree, dated 23.12.2010, the respondents examined the claim of the petitioner, and vide order dated 04.08.2014, the Director, Secondary Education, Haryana, having found that petitioner was not entitled to anti-dated promotion being ineligible, rejected his claim.

Once, all what the decree, dated 23.12.2010, envisaged was that claim of the petitioner be considered afresh for promotion, and in the event he is found eligible then he be promoted retrospectively with all admissible benefits. Indisputably, the respondents on examining the claim of the petitioner concluded that he was not entitled to promotion, for, he was not eligible, nothing more was required to be done, for the decree stood satisfied. In other words, the decree did not require the respondents to award anti-dated promotion to the petitioner, regardless of his eligibility and entitlement. Which is why it was observed by the Executing Court if the petitioner was aggrieved against the order dated 04.08.2014, the remedy, therefore, was not the execution petition.

The revision petition being devoid of merit, is accordingly dismissed.

(ARUN PALLI)
JUDGE

September 30, 2019

P Kapoor

Whether Speaking/Reasoned:

YES / NO

Whether Reportable:

YES / NO