

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

CR-2935-2018 (O&M)

Date of decision: 24.08.2022

Sarabjit Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Singla, Advocate for the petitioner

Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

The Executing Court has disposed of the execution petition after noticing that the petitioner has already paid all the dues as Head Constable. Dissatisfied with the aforesaid fact, the petitioner has filed the present revision petition.

While filing the suit, the plaintiff sought a decree of declaration that the order dated 08.02.1991 dismissing him from service is illegal and therefore, it should be set aside with all the consequential benefits. The suit was decreed alongwith the following observations:-

“11. In view of my observations on the above issues the suit of the plaintiff for declaration to the effect that the impugned order dated 8.2.1991 passed by the defendant No.2 by virtue of which the plaintiff was dismissed from service, is null and void, and he is entitle to all the benefits and still continues to be in service, is decreed with costs. Decree sheet be prepared and the file be consigned to the record room.”

The petitioner attained the age of superannuation on 31.03.2013. In the execution petition, the petitioner was paid all the

dues as a Head Constable. He was never promoted to as a Assistant Sub Inspector. The Executing Court is required to execute the decree as it exists.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

24.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE