

RSA NO.1065 OF 1997 (O&M)

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STATE OF PUNJAB & ANR. V/S AMAR NATH GUPTA

Present: Ms. Jasleen Kaur, DAG Punjab.

* * * *

After protected departmental litigation, the plaintiff filed a suit in the year 1996 challenging the recovery of Rs.12,048/-. The trial Court dismissed the suit vide judgment and decree dated 06.02.1996. Plaintiff preferred an appeal which came to be heard and decided by the learned District Judge, Patiala vide judgment and decree dated 10.11.1996. The appeal was accepted and judgment and decree of the Court below was set aside. The learned District Judge also passed decree for permanent injunction restraining the respondents from taking any action whatsoever on the basis of orders dated 02.06.1992/3.06.1992 against the appellant therein. Even special cost was awarded against the State for dragging the appellant to Court after his retirement.

It is in the above circumstances that the present appeal has been preferred by the State of Punjab. As per the facts disclosed in the order of the learned District Judge, the plaintiff in this case factually retired on September 30, 1989 from the post of Sub Divisional Officer. It has taken more than 33 years as on today.

Keeping in view the facts of this case, notice was sent to the respondent and the same has been received back with the report that 'he has sold the house and left the address at which the notice was sent.' The appellant has not furnished the address of the respondent on which notice could be issued.

In the circumstances and especially keeping in view the facts & circumstances, this appeal is ordered to be consigned to record with liberty to State to get it restored by moving an appropriate application and after supplying the present address of the respondent, if need be.

A copy of this order be given to learned State counsel.

(G.C. GARG)
PRESIDENT

(B.S. SIDHU)
MEMBER

October 27, 2022

NainaRajput