

501 (2)

**RSA-428-1996 & RSA-429-1996
STATE OF PUNJAB V/S HARNAM SINGH**

Present:- Ms. Jasleen Kaur Sidhu, DAG, Punjab along with
Mr. Harpal Singh, Kanungo, D.C. Office, Bhatinda.

Mr. Munish Jolly, Advocate and
Mr. Kamal Joshi, Advocate for the respondent

This order shall dispose of aforesaid two appeals bearing RSA-428 and 429 of 1996 filed by the State of Punjab as both are directed against the judgment dated 15.09.1995 passed by the Additional District Judge, Bhatinda.

The facts of the case are that the plaintiff-Harnam Singh had filed a suit for declaration on 19.04.1990 claiming that he is entitled to be promoted as Kanungo and then as Sadar Kanungo/ Naib Tehsildar from the date when his juniors were promoted with all consequential relief of arrears of pay etc. The suit was partly decreed to the extent that the plaintiff is entitled to the benefit of reserved class and partly dismissed the suit to the extent that he is entitled to seniority since 1980 vide judgment dated 28.10.1993 passed by the Sub Judge, IInd Class, Bhatinda.

Against the said judgment, plaintiff-Harnam Singh filed the appeal. The said appeal was allowed by the Additional District Judge, Bhatinda vide judgment dated 15.09.1995 and the decision of the trial court was modified as detailed in para 13 of the judgment, which reads as under:-

“13) Keeping in view my above discussion the issue No.1 decided by learned trial Court is modified to the extent that the plaintiff shall be entitled for promotion from the date the persons belonging to the backward class but junior to appellant are promoted and this benefit will be confined to the year 1980 as claimed by the appellant. Issue No.2 and 3 needs no modification as suit was within limitation. Issue No.4 is modified to the extent that if some financial benefits accrued to the appellant Harnam Singh as a result of this decision he shall be paid arrears of three previous years from the date of filing civil suit and will be entitled for 6% (six) interest on the arrears, as beyond that he will be barred by limitation. The department will issue revised salary slip etc.

Keeping in view my above modifications. This exercise shall be completed within a period of three months from the date of receipt of copy of judgment. Both the appeals are disposed off accordingly. The parties are left to bear their own costs. Decree sheet be drawn up on both the appeals.”

Aggrieved against the said judgment and decree, the State of Punjab had filed these Regular Second Appeals on the ground of limitation and cause of action and the both were admitted. However, no stay was granted in favour of the State. The respondent-plaintiff also filed cross-objections.

Both the appeals have referred to this Forum for settlement.

During the pendency of the appeals, plaintiff-respondent-Harnam Singh is stated to have expired on 08.04.2014. Mr. Harpal Singh, Kanungo, D.C. Office, Bhatinda, who is appearing in person before this Forum, has stated that since Harnam Singh has expired on 08.04.2014, the said appeals have been rendered infructuous (death certificate of Harnam Singh has also placed on record). Learned counsel for the respondent-plaintiff has no objection to it.

By way of efflux of time and the statement made by Mr. Harpal Singh in the backdrop of the fact that Harnam Singh has since expired, both the appeals are dismissed as infructuous.

A photocopy of this order be placed on the file of connected case.

(J.C. VERMA)
PRESIDENT

(ARVIND KUMAR)
MEMBER

12.09.2022
Atul