

RSA-2404-1998

PUNJAB STATE ETC V/S DES RAJ

Present:- Ms. Jasleen Kaur Sidhu, DAG, Punjab along with
Mr. Baljeet Singh, Patwari Halka, Bhucho Khurd
District Bathinda.

None for the respondent.

The present appeal has been filed by the State of Punjab challenging the judgment dated 15.12.1997 passed by the Additional District Judge, Bathinda.

The facts are that the respondent-plaintiff, namely, Des Raj filed a suit for declaration that his representation to protect his pay is not being decided by the Department.

The said suit was dismissed on 27.01.1997 by the Additional Civil Judge, Sr. Division, Bathinda. The appeal filed by the respondent-plaintiff was partly allowed by giving the following observation:-

“9. I, however, do not agree with this submission of the learned Govt. Pleader for defendant-respondents reproduced above and am of the opinion that request of plaintiff-appellant deserves to be granted that his name should be considered as per seniority list then available with respondents as stated in the head-note of the plaint or latest seniority list then existing with defendant-respondents. I accordingly accept the appeal partly in the instant case, leaving the parties to bear their own costs and direct defendant-respondents to consider the claim of plaintiff-appellant in view of my above observation within a period of six months from today.”

The State has filed the present appeal before this Hon'ble High Court. The case file indicates that the respondent-Des Raj never appeared in this case and now stated to have expired on 11.04.2018. The death certificate has been placed on record Mark 'A'. Baljeet Singh, Patwari Halka, Bhucho Khurd, District

Bathinda appeared before this Forum on behalf of the Department stated that as per the instructions from the Department, in view of the death of plaintiff-respondent-Des Raj on 11.04.2018, the present appeal be dismissed as infructuous.

Accordingly, the present appeal is dismissed as infructuous.

(J.C. Verma)
President

(Arvind Kumar)
Member

12.10.2022
Atul