

202-3

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2418-1994 (O&M)

Date of Decision:18.12.2023

STATE OF PUNJAB AND OTHERS

.....Petitioners

V/s.

JASRAJ MAKOL AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Charanpreet Singh, AAG, Punjab for the petitioners.

None for the respondents.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Heard learned counsel for the State.
2. This Court finds that the order passed by the Executing Court is to create a new case in favour of the respondents in the connected Writ Petitions. It is a settled law that while exercising powers under Order 21 of the CPC, the Executing Court would not go beyond the decree and would therefore, not be entitled to say whether the promotions of the plaintiffs/respondents were made correctly or wrongly as the same was not a subject matter before the concerned Court.
3. It has also been independently noticed that the plaintiffs/respondents were not having experience of Assistant and also not the senior most persons, and therefore both on the basis of seniority and inexperience, they have been rightly denied promotion.
4. In the connected Writ Petitions, this Court has left the question open whether the Assistants from the Office have to be included along with the Assistants from the Head Office for promotion.

5. In view of the aforesaid, this Civil Revision is allowed accordingly and the order dated 24.03.1994 passed by the Sub Judge, First Class, Ferozepur is set aside.

6. All the pending applications in this Writ Petition stand disposed of accordingly.

December 18, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No