

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.R. No.6546 of 2017 (O&M)

Date of Order:07.11.2023

J.P.Upadhaya

.Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Punchhi, Advocate  
for the petitioner.

Mr. Ajit Singh Natt, AAG, Punjab

Ms. Shubreet Kaur, Advocate, for  
Mr. Rohit Sud, Advocate  
for respondent no.3 and 4.

ANIL KSHETARPAL, J

1. The petitioner herein is a decree holder. His suit for grant of decree of declaration with consequential relief was decreed by the trial Court on 02.08.1990, in the following manner:-

*“As a result of my findings recorded under issue no.1 above, the plaintiffs is granted a decree to the effect that his salary be fixed in the higher grades in accordance with the policy of the government announced from time to time. He shall be given senior/selection grade after taking into consideration services rendered by him as Lecturer in Dev Samaj College for Women Ferozepur City after due verification. Under the circumstances of the case, parties are left to bear their own costs. Decree sheet be prepared. File be consigned to the record room, Ferozepur.”*

2. The correctness of the aforesaid judgment was upheld in first appeal as well as in the second appeal. The Executing Court has dismissed

the execution petition after allowing the objection petition filed by the respondent. The correctness of the aforesaid order has been challenged in this revision petition.

3. The learned counsel representing the petitioner submits that the petitioner was required to be given the senior/selection grade after taking into consideration the services rendered by him as a Lecturer in the Dev Samaj College for Women, Ferozepur City after due verification but the Executing Court has erred in dismissing the execution petition.

4. On the other hand, the learned counsel representing the respondents submits that the petitioner has been granted senior/selection grade after taking into consideration the services rendered by him as a lecturer in Dev Samaj College for Women, Ferozepur City. However, the petitioner insists for the payment of the aforesaid amount along with the interest which is not a part of the decree.

5. The learned counsel representing the petitioner admits that there is no direction by the Court to grant interest to the petitioner. However, he submits that as per his instructions, the petitioner has not been granted the benefits of the senior/selection grade as ordered by the Court.

6. A perusal of the impugned order shows that this aspect has not been dealt with by the Executing Court in the impugned order.

7. Keeping in view the aforesaid facts and discussion, the petitioner has been granted liberty to file an application before the Executing Court in this regard. After holding a reasonable inquiry into the matter with respect to the respective claims of the parties, the Executing Court shall pass appropriate order in accordance with law within a period of 3 months, from today, positively.

8. With these observations, the revision petition is disposed of.
9. The parties through their learned counsel are directed to appear before the Executing Court, on 29.11.2023.
10. All the pending miscellaneous applications, if any, are also disposed of.

November 07, 2023  
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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned  
Whether reportable

:YES/NO  
:YES/NO