

2023:PHHC:158568
210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1513-1995 (O&M)
Date of decision: 11.12.2023

State of Punjab and others

....Appellants

Versus

SI Prem Singh (deceased) through LRs

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. This Regular Second Appeal has been filed by the State of Punjab and its officials to challenge the correctness of the judgment and decree passed by the First Appellate Court. The plaintiff's suit for the grant of decree of declaration that the order dated 12.04.1985, retiring him prematurely as well as the order dismissing his appeal are illegal, null and void. The suit filed by the plaintiff was dismissed. However, the First Appellate Court reversed the judgment and decree passed by the trial court on the ground that the order of the compulsory retirement was passed by the Senior Superintendent of Police, who was not an appointing authority.

2. Learned counsel representing the appellants submits that while admitting the appeal, no interim order was passed in favour of the appellants and the respondent was taken back in

service and has also retired. It is also submitted that during the pendency of the execution petition, all the admissible benefits have already been released to the respondent. He submits that the State of Punjab does not wish to press the present appeal and the same may be dismissed as such.

3. Ordered accordingly.

4. All the pending miscellaneous applications, if any, are also disposed of.

11.12.2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No