

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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RSA-1780-1999 (O&M)

Date of decision : 01.12.2023

Siri Bhagwan

.....Appellant

Versus

The Chief Administrator, Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellant.

Mr. Rajeev Godara, Advocate,
for the respondents.

AMAN CHAUDHARY, J.

1. The plaintiff-appellant is in appeal against the judgment of reversal passed by learned Lower Appellate Court in a suit filed by him for mandatory injunction.

2. Learned counsel for the respondents submits that the present appeal has been rendered infructuous on account of the fact that the benefits to which the appellant was entitled to had been granted to him upon an application filed by him on 09.10.2009, wherein he had stated that he shall file an undertaking to withdraw the case in the event of accepting his request for release of the benefits. The documents in this regard have been produced and taken on record. He further submits that as per instructions received from the Secretary, Marketing Committee, Bahadurgarh, the appellant has since expired on 19.11.2016 and the family pension is being given to his wife Smt. Biro Devi.

3. Heard.
4. The appellant in pursuance to his request had filed an affidavit dated 30.09.2009, which reads thus:

“I, Shri Bhagwan S/o Shri Nihal Chand presently working as Tubewell Operator/Driver, Market Committee, Bahadurgarh under the control of Haryana State Agricultural Market Board, Panchkula do hereby solemnly affirm and declare as under-

1. That I was appointed as tubewell operator/driver w.e.f. 10-05-1974 and since than I have never been granted the following service benefits:-

(i) I have not yet been granted two additional increments payable w.e.f. 01-07-1992 on completion of 18 years satisfactory service.

(ii) I have not yet been granted second Higher Standard Scale payable w.e.f. 01-06-1994 on completion of 20 years satisfactory service.

(iii) I have not yet been granted third ACP payable w.e.f. 01-01-2006 on completion of 30 years satisfactory service.

2. That I do hereby undertake to withdraw my court case if I am granted my above service benefits.”

5. Thereafter, vide orders dated 05.11.2009, 15.12.2009, 10.06.2010 and 02.07.2010, all benefits were given to the appellant, which are reproduced below:

05.11.2009

“Sh. Shri Bhagwan, Tubewell Operator Market Committee, Bahadurgarh is hereby granted IInd ACP scale of Rs.5000-7850 w.e.f. 1.1.1996 on completion of 20 years regularly satisfactory service.”

15.12.2009

“Sh. Shri Bhagwan, Tubewell Operator, (Retd.) Market Committee Bahadurgarh is hereby granted IIIrd ACP scale of Rs.5200-20200 + 3300 w.e.f. 1.1.2006 on completion of 30 years regularly satisfactory service.”

10.06.2010

Until further notice, on the expiration of every month be please to pay to Sh. Shri Bhagwan of PPO No.1076/HSAMB, a sum of Rs.8,925/- (Rs. Eight thousand nine hundred twenty five only) (less income tax) being the amount of pension as

Tubewell Operator upon the production of pensioner’s portion of PPO issued by this office to the pensioner. The payment should commence w.e.f. 01.12.2009.
In the even of death of Sh. Shri Bhagwan Family Pension of Rs.8,925/- up to 19.11.2016 and Rs.5,355/- (Rs. Five thousand three hundred fifty five only) w.e.f. 20.11.2016 may be paid to Smt. Biro Devi from the date following the date of death of Sh. Shri Bhagwan till the date of her re-marriage or death whichever is earlier on the receipt of death certificate and form of application from widow.

02.07.2010

“Sanction is hereby accorded for releasing the leave encashment payment of unutilized earned leave for 300 days to Sh. Shri Bhagwan, Tubewell Operator (Retired), Market Committee, Bahadurgarh.”

6. In view of the above, the benefits as claimed by the appellant having been granted, nothing survives in the present appeal. As such, the same is disposed of as having been rendered infructuous.
7. Liberty is however granted to get the matter revived, in case, need arises.

01.12.2023
gsv/ankur

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No