

RSA-1365-2023 (O&M)

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

**CM-5046-C to 5048-C-2023 in/&
RSA-1365-2023 (O&M)
Date of Decision :09.05.2023**

State of Haryana and others

....Appellants

Versus

Hukum Chand

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Vibha Tewari, AAG, Haryana
for the appellant-State.

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Harsimran Singh Sethi, J. (Oral)

CM-5047-C-2023

The present application has been filed for condonation of delay of 231 days in filing the present appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 231 days in filing the present appeal is condoned.

CM-5046-C-2023

As prayed for, application is allowed.

RSA-1365-2023

Present regular second appeal has been filed against the judgment and decree dated 24.05.2022 passed by the lower Appellate Court whereby the suit of the respondent-plaintiff for the step-up of pay has been

allowed.

Learned counsel for the appellant-State submits that the claim of the respondent-plaintiff was that upon his promotion as Inspector on 30.11.2005, he regained seniority over and above one Parlhada, Ravinder and Balbir Singh, who were promoted to the post of Inspector prior to him on the basis of reservation hence, he became entitled for the salary which his juniors were getting as on 30.11.2005 being senior to them and which benefit has been allowed by the lower Appellate Court.

Learned counsel for the appellant-State submits that as per her information as on 30.11.2005, the respondent-plaintiff was already getting the higher salary as compared to the persons junior to him hence, it may be clarified that respondent-plaintiff was already getting a higher pay than his juniors, no further benefit needs to be extended to the respondent-plaintiff.

In case the appellant-State is of the view that the respondent-plaintiff was already getting the benefit which has been granted by the Court below, the said fact is to be brought to the notice of the Executing Court in case any execution petition is filed by the respondent-plaintiff for the consideration. Executing Court will be free to arrive at a decision that any order needs to be passed for the compliance of the judgment and decree in question or the same is already satisfied.

Learned counsel for the appellant-State submits that keeping in view the facts noticed hereinabove, the present regular second appeal may kindly be disposed of having been not pressed any further with liberty to present all the facts before the executing Court in case any execution petition is filed.

Ordered accordingly

CM-5048-C-2023

Application is also disposed of as not pressed.

May 09, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No