

2024:PHHC:016160
127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3275-2018 (O&M)
Date of decision: 06.02.2024

Dayal Singh

....Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Deepak Vashishth, Advocate for the petitioner

Mr.J.S.Pannu, AAG, Haryana

Mr. P.K.Dwivedi, Advocate for respondent no.2 and 3

ANIL KSHETARPAL, J (Oral)

1. The first appeal filed by the petitioner was allowed on 02.03.2007 by the Additional District Judge, Jind, with the following directions:-

“13. For the reasons stated above, the appeal succeeds and is hereby allowed. Judgment and decree of the learned lower court dated 05.11.2004 are set aside. At the same time the suit of the plaintiff is decreed with the declaration that impugned orders dated 03.11.1999 and 08.05.2001 of defendant No.2 and appellate authority respectively are illegal and vide against the law, so these are set aside. He is also entitled for all the benefits of his service in the matter of seniority and regularization of his service with effect from 26.10.1987 from the date of joining in service as adhoc employee as per rule. No order as to costs. Decree sheet be drawn accordingly. Lower court records alongwith a copy of judgment be remitted to the court concerned. Appeal file be consigned to the records.”

2. The same has been incorporated in the decree prepared by the Court. Now, the petitioner challenges the correctness of the order

passed by the Executing Court on 16.05.2017. In substance, he prays for the following reliefs:-

a) He should be paid arrears of pay and other allowances for the period from 14.12.1999 to 13.08.2006.

b) His pay should be fixed at the post of Accountant w.e.f 05.10.2007.

c) His pay should be fixed as Assistant Secretary w.e.f. 2010.

3. The Executing Court has held that in the absence of specific directions by the Court, it cannot travel beyond the decree. At the time of hearing, the learned counsel representing the petitioner failed to draw the attention of the Court to any such direction by the court while passing the decree on 02.03.2007.

4. Keeping in view the aforesaid facts, no ground to interfere is made out.

5. Hence, dismissed.

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

06.02.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE