

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

RSA-1209 of 1995 (O&M)
Date of decision: 18.04.2024

State of Haryana and another

.....Appellants

Versus

D.S. Lohan

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Deepinder Singh Walia, Advocate, and
Mr. Pritish Goel, Advocate, for the respondent.

NAMIT KUMAR, J.

1. This Regular Second Appeal is directed against the judgment and decree dated 22.12.1994 passed by the Court of learned Additional District Judge, Hisar, whereby appeal preferred by the respondent-plaintiff against the judgment and decree dated 18.05.1991 passed by the Court of learned Sub Judge II Class, Hisar, has been accepted and suit of the respondent for declaration has been decreed.

2. For convenience sake, reference to parties is being made as per their status in the civil suit. Brief facts of the case are that plaintiff was appointed as Sectional Officer on 20.04.1963 and he submitted his joining report on the same date in the office of E.E. Capital Project Division, Chandigarh. He was charge-sheeted by defendant No.2 vide letter dated 10.08.1971 under Rule 7 of the Punjab

Civil Services (Punishment and Appeal) Rules, 1952 on the ground that he recorded fictitious/excessive measurement of earth work done by the plaintiff at Safidon-Hatt road, to which he submitted his reply. Plaintiff was placed under suspension from 25.05.1971 to 23.11.1972. Defendant No.2 vide office order dated 03.06.1991 ordered to treat the suspension period of the plaintiff as period spent on duty. However, plaintiff had been allowed annual increments after excluding the suspension period of 01 year 06 months and 10 days. Plaintiff filed a suit for declaration to the effect that he is entitled to get his full pay for the suspension period from 25.05.1971 to 23.11.1972 and annual increments w.e.f. 20.04.1972 in the pay scale of Rs.200-10-280/15-430/20-450 and is entitled to cross the efficiency bar with effect from 20.04.1975 and is further entitled to get the selection grade and pay fixed in the selection grade w.e.f. 09.11.1978 the date on which his juniors had been allowed the selection grade. The suit of the plaintiff was dismissed by the trial Court vide judgment and decree dated 18.05.1991. Aggrieved against the judgment and decree of the trial Court, plaintiff preferred an appeal has been accepted and suit of the plaintiff stands decreed by the lower Appellate Court vide judgment and decree dated 22.12.1994 declaring him entitled to get his full pay for the suspension period and to cross the efficiency bar with effect from 20.04.1975 and to get selection grade with effect from 09.11.1978 and to get all consequential relief of arrears of pay due on re-fixation of pay. Hence, the present appeal by defendants-State.

3. Learned counsel for the appellants-State, on instructions from Mr. R.K. Nain, Executive Engineer, PWD (B&R), Jind, has submitted that respondent has already retired from service; impugned judgment and decree of the lower Appellate Court has been executed and all the benefits have been granted to the respondent.
4. Learned counsel for the respondent does not dispute the above-said position.
5. In view of the above, no further orders are required to be passed in the present appeal. Disposed of accordingly.
6. Pending application(s), if any, stand disposed of accordingly.

18.04.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No