



RSA-1159-1996 (O&M)

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

(221)

RSA-1159-1996 (O&M)

Date of decision:- 15.05.2024

State of Punjab and another

... Appellants

Versus

Mehar Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Brijesh, AAG, Punjab.

Mr. Gurcharan Dass, Advocate and
Ms. Ravinder Kaur, Advocate
for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. Pursuant to the previous order passed by this Court, an affidavit dated 15.05.2024 has been filed by Secretary to Government of Punjab, Department of School Education, wherein it has been submitted as under:-

“3. That in this regard, it is humbly submitted that respondent filed Civil Suit No.213 of 1988 for regularization of his services on the post of Physical Training Instructor (P.T.I) w.e.f. 16.04.1974 alongwith the seniority, promotion, and other service benefits. The suit was dismissed by the Hon'ble Subordinate Judge IInd Class Ludhiana vide orders dated 12.08.1994. The respondent filed civil Appeal No.96 of 1994 before the Hon'ble District Judge, Ludhiana challenging the abovesaid orders dated 12.08.1994. The said Appeal was decided



in favour of the respondent and the respondent was granted all benefits vide orders dated 14.10.1995 passed a by Hon'ble District Court, Ludhiana, hence the present appeal. It is further submitted that the facts and circumstances of the present case do not allow the Appellant No.1 (Education Department, Punjab, Chandigarh) department to pursue the present appeal. The respondent had filed an application for execution of the order dated 14-10-1995 passed by the first appellant Court. Since the benefits were already released to the deceased respondent in inexorable circumstances, as stay was not granted by this Hon'ble court in this second appeal. Moreover, the deceased respondent's post falls in the group C category, and payments made to him cannot be recovered in view of the judgment passed by the Hon'ble Supreme Court of India, New Delhi in SLP (C) No. 11684 of 2012 titled as State of Punjab Vs Rafeeq Masih, 2015 AIR (Supreme Court Cases) 696.”

2. In view of the above affidavit, nothing survives for determination in the instant appeal, which is ordered to be dismissed.
3. Pending application, if any, stands disposed of.

15.05.2024
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No