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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1649-1996

Date of decision:-07.02.2024

Santokh Singh

...Appellant

Versus

Chander Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.R.K. Malik, Senior Advocate with
Mr.Kartikey Chaudhary, Advocate
for the appellant.

Mr.Vivek Singla, Advocate with
Ms.Urvashi Singh, Advocate
for respondent No.1.

Mr.Sharad Aggarwal, DAG, Haryana
for respondents No.2 to 4.

SUVIR SEHGAL, J.(ORAL)

1. Defendant No.4 – appellant is before this Court in a second appeal challenging the concurrent finding of fact recorded by both the Courts below.
2. Instant appeal has arisen out of a suit filed by Chander Singh, plaintiff – respondent No.1 for declaration to the effect that he is senior to defendants No.4 to 6 and is entitled to be promoted as District Welfare Officer, as also entitled to all the consequential benefits. Plaintiff – respondent No.1 had also challenged the promotion of defendant No.4 and grant of military service benefits to defendant No.6.

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3. Vide judgment and decree dated 20.01.1993, suit was partly decreed by the Trial Court holding that promotion of defendant No.4 – appellant prior to the promotion of plaintiff – respondent No.1 is illegal. Separate appeals were filed by the private parties, which were dismissed by Additional District Judge, Bhiwani by judgment and decree dated 04.05.1996. In this backdrop, defendant No.4 – appellant is before this Court in a second appeal.

4. While issuing notice of motion, this Court by order dated 18.07.1996 directed the parties to maintain status quo. The appeal was admitted for hearing on 15.07.1998.

5. Mr.Malik submits that defendant No.4 – appellant continued serving as Deputy Director and retired from service on 31.08.1997. He has placed reliance upon a judgment of Division Bench of this Court in CWP No.837 of 2005 titled as “Sudarshan Kumar Sharma Versus The State of Punjab and others”, decided on 21.02.2013 to submit that at this stage, it is not worthwhile to examine the findings recorded by the Courts below.

6. Factual position has not been disputed by the counsel for the respondents.

7. I have heard the counsel for the parties and considered their respective submissions.

8. During the pendency of the instant appeal, defendant No.4 – appellant has served on the promotional post and has retired from service. Putting the clock back after almost 30 years, would be a futile exercise as by efflux of time the proceedings have become infructuous.

9. In view of the above, the appeal is disposed of. Retiral

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benefits, if not paid, shall be released to the appellant – defendant No.4,
as if he has retired from the promotional post.

(SUVIR SEHGAL)
JUDGE

07.02.2024

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No