

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

RSA-3753-1997 (O&M)
Decided on : April 08, 2024

GURDASPUR COOPERATIVE SUGAR MILLS LTD.

..... Petitioner

Versus

KHARATI LAL

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Aditya Narayan Arya Garg, Advocate for
Mr. Rahul Sharma, Advocate for the petitioner.

None for the respondent.

NAMIT KUMAR, J. (Oral)

The plaintiff/respondent-Khairati Lal had filed a suit for declaration to the effect that the order dated 24.09.1990, whereby the Inquiry Officer was appointed, was changed in order to conduct inquiry in the charge-sheet dated 15.09.1990.

The suit filed by the plaintiff was dismissed by the Court of learned Addl. Senior Sub Judge, Gurdaspur vide judgement and decree dated 17.11.1994 and the appeal preferred against the abovesaid judgement and decree was accepted by the Lower Appellate Court, vide Judgement and decree dated 07.10.1997, whereby the judgement of trial Court was reversed.

Learned counsel for the appellant submits that the respondent – Khairati Lal has already been dismissed from service vide order dated 28.02.1981 and the said order has never been questioned by the respondent.

Once the enquiry proceedings have culminated into passing of the final order of dismissal on 28.02.1981 and that order has never been questioned by the respondent / plaintiff – Khairati Lal, therefore, the relief claimed for in the original suit has become infructuous and consequently the Judgement and Decree dated 07.10.1997 passed by the Lower Appellate Court is hereby set aside.

Disposed of in the above terms.

All pending application(s), if any, shall stand disposed of.

April 08, 2024
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(NAMIT KUMAR)
JUDGE

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