

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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RSA-3078-1998 (O&M)
Decided on : 02.05.2024

Daya Shanker Kanwal (deceased) through his LRsPetitioner

Versus

Union of India and anotherRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Abhimanyu Kalsy, Advocate
for the appellant.

Mr. Ravinder Pal Singh, Advocate
for respondent No.1-UI
(through video conferencing)

Mr. Surya Kumar, A.A.G., Punjab
for respondent No.2.

NAMIT KUMAR, J. (Oral)

1. That instant regular second appeal has been preferred by the appellant/plaintiff impugning the judgment and decree dated 30.01.1996 passed by learned Civil Judge (Senior Division), Ropar, whereby the suit for declaration filed by the appellant/plaintiff has been dismissed and the judgment and decree dated 05.02.1997 passed by learned District Judge, Rupnagar, whereby the appeal preferred by the appellant/plaintiff against judgment and decree dated 30.01.1996 has been dismissed.

2. The appellant/plaintiff filed a suit for declaration to the effect that order dated 28.10.1988 passed by the Chief Engineer SYL, Irrigation Works is illegal and joint seniority list framed for Accounts

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Clerks/UDC is also illegal. He further sought declaration that he be deemed as promoted/posted as SDC from 15.01.1963 and Accounts Clerk from 05.02.1970 by amending the said seniority list, suitably.

3. Having lost before both the Courts below, the instant regular second appeal has been preferred.

4. The appeal was admitted on 14.12.2000. During the pendency of the instant appeal, the appellant unfortunately died and application bearing No.CM-6121-2002 for bringing on record the LRs of the appellant was allowed vide order dated 24.07.2002 by the Lok Adalat. While the matter was before the Lok Adalat, on 16.12.2003 the following order was passed :-

“It is stated on behalf of the State that the case of the appellant will be re-considered on merits.

Adjourned to 09.02.2004, to await the decision of the State. Copy of the order be given to the learned State counsel.”

5. Thereafter, that matter was taken up by the Lok Adalat on 13.05.2004 and the following order was passed :-

“The State has passed an order dated 25.03.2004 re-considering the case of promotion of Daya Shankar, now deceased-appellant. As per this order, Daya Shankar was not eligible for promotion as he had not passed Sub Divisional Clerk examination. Counsel for the appellants-legal representatives of Daya Shankar, deceased prays for time for seeking instructions. Adjourned to 08.07.2004.”

6. Thereafter, vide order dated 08.07.2004, the appeal has been returned by the Lok Adalat to the High Court.

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7. Since the case of the appellant has already been re-considered by the State and vide order dated 25.03.2004 it has been held that the appellant is not entitled for promotion being not eligible, therefore, no ground to interfere in the judgments and decrees passed by the Courts below, is made out and the instant appeal is hereby dismissed.

8. Pending application, if any, shall stands disposed of accordingly.

02.05.2024

Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No