

RSA-2538-1999

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

RSA-2538-1999

Date of decision: 22.04.2024

STATE OF PUNJAB

...PETITIONER

VERSUS

MADAN LAL

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Teevar Sharma, AAG, Punjab.

None for the respondent.

NAMIT KUMAR, J. (ORAL)

1. The suit for declaration filed by the respondent/plaintiff, wherein he claimed his date of birth as 28.10.1932 instead of 28.10.1930, was decreed by the Court of learned Additional Senior Sub Judge, Gurdaspur vide judgment and decree dated 27.09.1995 by granting the following relief:-

"In view of my findings on the issues discussed above, the suit of the plaintiff is decreed to the effect that the date of birth of the plaintiff is 28.10.32 and not as 28.10.30 as recorded in the service book of the plaintiff and as such the date of the superannuation of the plaintiff was 31.10.90 and not 31.10.88. Since, the plaintiff has already rendered the services upto 31.10.90 on the basis of the interim stay granted to him, by the court, now there is no fun in granting the relief of permanent injunction so as to restrain defendant No.3 from relieving the plaintiff. However, the plaintiff is entitled to all the benefits of the service including pay and allowances upto the date of his superannuation i.e. upto 31.10.90. The suit of the plaintiff is decreed with costs of the suit. Decree sheet be prepared accordingly."

2. The appeal preferred by the State of Punjab was dismissed by upholding the finding recorded by the learned trial Court vide judgment and decree dated 27.09.1995
3. Learned State counsel submits that during the pendency of the present appeal, the respondent has unfortunately died. However, no LRs have been brought on record.
4. Since, the respondent/plaintiff had already served the department for the extended period of two years in terms of interim stay granted by the trial Court, therefore, no further orders are called for in the instant appeal.
5. However, liberty is granted to the appellant to revive the instant appeal, in case LRs of the deceased-sole respondent file a petition for execution of the judgments/decrees passed by the Courts below.
6. In view of the above, the present appeal is disposed of.

22.04.2024

*renubala***(NAMIT KUMAR)**
JUDGE

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