



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

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RSA-4457-1999

Date of decision : 21.05.2024

Jagir Singh

....Appellant

V/S

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the appellant.

Mr. Surya Kumar, A.A.G., Punjab.

Ms. Shuchi Sodhi, Advocate for
Mr. Animesh Sharma, Advocate
for respondents No.3 and 4.

NAMIT KUMAR, J. (ORAL)

1. The appellant/plaintiff has filed the instant regular second appeal against the judgment and decree dated 07.04.1998, passed by learned District Judge, Gurdaspur, whereby an appeal filed by the respondents/defendants was partly allowed and judgment and decree dated 12.11.1991, passed by learned Sub Judge Ist Class, Gurdaspur was set aside. Parties to the lis shall be referred to by their original position in the suit.

2. Brief facts of the case are that the plaintiff has filed a suit for declaration to the effect that the impugned order dated 16.07.1988, passed by defendant No.2-Director, Food and Supplies, Punjab, whereby the plaintiff was dismissed from the service is illegal, null and void and the plaintiff is entitled to all the benefits of service in the



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absence of impugned order. The said suit was decreed by the learned trial Court vide judgment and decree dated 12.11.1991. Aggrieved against the said judgment and decree passed by the trial Court, the defendants have filed the appeal which was partly allowed by learned lower Appellate Court vide judgment and decree dated 07.04.1998 by granting the following relief :

“18. For the foregoing reasons, discussion and findings issue-wise, I accept this appeal partly and set aside the judgment and decree under appeal to the extent that the impugned order dated 14.7.1988 conveyed to the plaintiff on 21.7.1988 is illegal and ultravires to the extent that it is valid upto the stage of enquiry proceedings and result of the enquiry report dated 7.9.1987. The plaintiff is ordered to be reinstate and enquiry be continued from that stage and he should be given personal hearing before passing the major penalty. The plaintiff is not entitled to the consequential benefits of his pay and other perks for the period of his suspension and thereafter, enquiry and the same cannot be treated as the period spent by the plaintiff-respondent on duty. The suit of the Plaintiff-respondent is decreed with costs throughout to the extent mentioned above. Decree sheet be prepared. File be completed and consigned to the record room.”

2. In the zimini order dated 15.01.2001 passed by this Court, it was recorded as under :-

“Mr. Bhanot has placed on record copy of the order whereby after giving an opportunity of hearing to appellant, order for recovery has been passed against him. Counsel for the appellant prays for time to seek instructions in this regard.



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Adjourned to 19.02.2001.”

3. Learned counsel for the appellant submits that despite his best efforts, he has not been able to contact the appellant to get further instructions in the matter.
4. Learned State counsel, on instructions from Jagroop Singh, Senior Assistant, Punjab Food and Supplies, Chandigarh, submits that the appellant has passed away and the order of recovery was never challenged by him while he was alive. His LR's have also not been brought on record.
5. In this view of the matter, nothing survives in the present appeal for adjudication by this Court and consequently, the present appeal is disposed of. However, liberty is granted to the LR's of the appellant/plaintiff to revive the instant appeal in case any cause still survives.

21.05.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No