



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

202

RSA-2689-1996**Decided on: 21.04.2025**

State of Punjab and another

... Appellants

Versus

Gopal Krishan

... Respondent

AND

RSA-2377-1996

State of Punjab and others

... Appellants

Versus

Gopal Krishan

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**PRESENT: Mr. Rohit Ahuja, DAG, Punjab.**

VIKAS BAHL, J.(ORAL)

1. By this common order, the present appeals i.e. RSA-2689-1996 and RSA-2377-1996 shall stand disposed of.

2. Two suits were filed by the respondent-plaintiff in the year 1990 as well as in the year 1991. The suit filed in the year 1990 was for declaration and mandatory injunction and the same was decreed by the trial Court and direction was given to the State to treat the plaintiff as Class III employee till his retirement and refix his pay and benefits. The appeal filed by the State of Punjab against the same was dismissed. The State has filed RSA-2377-1996 against the same. A perusal of the paperbook would show that no interim order was passed in the said RSA i.e. RSA-2377-1996.



3. The respondent-plaintiff had also filed a suit for declaration that the retirement of the plaintiff at the age of 58 years was illegal and the said suit was dismissed by the trial Court but on the appeal filed by the respondent-plaintiff, the same was accepted. Against the said judgment and decree of the first Appellate Court, the State has filed RSA-2689-1996. A perusal of the paperbook would show that there is no interim order in favour of the State.

4. On 23.01.2024, a Coordinate Bench of this Court was pleased to pass the following order in both the cases:-

“Present: Mr. Athar Ahmed, DAG, Punjab.

Counsel has been respondent has been elevated to the Bench.

Issue notice to the respondent for 15.05.2024.

In the meanwhile, State shall file an affidavit and apprise the Court about the developments, which have taken place pursuant to the judgment passed by the First Appellate Court.

Photocopy of this order be placed on the file of connected case.

23.01.2024”

5. In response to the same, the State has filed an affidavit in which it has been stated that after the retirement of the respondent-plaintiff, no benefit of extension of service was given and the respondent-plaintiff had taken the pensionary benefits and had thereafter died on 01.07.1997 and after his death, his wife had taken the pensionary benefits and even his wife had died on 16.11.2002.



6. None has appeared on behalf of the respondent to pursue the present case.
7. Learned State counsel has submitted that as per his instructions, none of the legal representatives of the respondent have approached the concerned Department for seeking any relief under the impugned judgments and thus, the present appeals be disposed of as having been rendered infructuous at this stage but liberty be granted to the State in case, LRs of the respondent approach the concerned department seeking any benefit under the impugned judgments or file an execution application.
8. Keeping in view of the abovesaid facts and circumstances, the present appeals are disposed of at this stage with the aforesaid liberty.
9. Liberty is additionally granted to the legal representatives of the respondent to revive the present appeals, in case any cause survives.
10. Registry is directed to send the copy of the present order to the respondent at the address mentioned in the memo of parties.

21.04.2025

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/~~No~~

~~Yes~~/No

(VIKAS BAHL)
JUDGE

