



211

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

RSA-346-1999 (O&M)

Date of decision: 06.05.2025

Haryana State Electricity Board, Panchkula and another

...Appellants

Versus

Sham Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Himani Anand, Advocate for the appellants.

None for the respondent.

VIKAS BAHL, J. (ORAL)

1. The respondent-plaintiff had filed a suit for declaration challenging the order dated 12.06.1991 passed by the Chairman, Haryana State Electricity Board, Panchkula and had sought declaration to the effect that he was entitled to join the duties w.e.f. 12.10.1989. The said suit which was filed in the year 1992, was decreed by the trial Court in the year 1996. An appeal filed by the present appellants against the said judgment was dismissed by the First Appellate Court.

2. Initially, a Coordinate Bench of this Court, vide order dated 24.02.1999, was pleased to stay the operation of the judgment and decree under appeal till further orders but subsequently on 05.10.1999, the Coordinate Bench of this Court was pleased to pass the following order:-



*“Present: Mr. Vikas Kumar, Advocate
Mr. S.K.Sharma, Advocate*

Admitted.

*After hearing the learned counsel, order dated 24.2.1999 whereby operation of judgment and decree under appeal was stayed is modified to the extent that during the pendency of appeal payment of salary for the period from 19.7.1977 to 6.6.1997 shall remain stayed. It is further made clear that on completion of enquiry, disciplinary authority shall be at liberty to pass an appropriate order in accordance with law.
5.10.1999”*

3. Learned counsel for the appellants has submitted that in pursuance of the said order, the inquiry proceedings were culminated and disciplinary authorities had terminated the services of the respondent vide order dated 02.02.2001 and appeal filed by the respondent-plaintiff was dismissed by the Appellate Authority on 10.08.2001 and even review filed by the respondent-plaintiff was also dismissed by the competent authority on 19.02.2002. It is submitted that neither any one on behalf of the respondent has approached the authorities on the aspect of payment of salary in the recent past nor any execution has been filed by the respondent-plaintiff on the aspect of salary.

4. None has appeared on behalf of the respondent in spite of issuance of notice.

5. Keeping in view the abovesaid facts and circumstances, the present appeal is disposed of at this stage with liberty to the appellants to revive the case in case the respondent or any one on his behalf files an



execution or respondent or any one on his behalf approaches the concerned Department for payment of the salary.

6. Liberty is also granted to the respondent/his legal representatives, if any, to revive the appeal in case any cause survives to them.

7. Registry is directed to send a copy of the present order to the respondent at the address given in the memo of parties.

8. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

06.05.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No