



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-2236-2026(O&M)

Date of decision: 10.03.2026

Richhpal Singh

...Petitioner(s)

Vs.

State of Haryana & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. R.S. Mamli, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the plaintiff/decreed holder against the order dated 16.09.2025 (Annexure P6) passed by learned Executing Court whereby Execution Petition filed by the petitioner has been disposed of being unexecutable.

2. Brief facts of the case are that on 28.03.2008 the petitioner had filed suit for declaration against the respondents/defendants. Vide judgment dated 24.03.2011 (Annexure P1), the suit of the petitioner had been decreed. The Civil Appeal filed by the defendants was partly allowed by the learned First Appellate Court vide judgment and decree dated 06.09.2012 (Annexure P2). RSA-5198-2012 filed by the petitioner against the said judgment and decree dated 06.09.2012 was dismissed by this Court vide order dated 02.05.2018



(Annexure P3). Subsequently, the petitioner had filed the present Execution Petition in which judgment debtor No.3 had filed objections dated 09.07.2025 (Annexure P7) on behalf of all the judgment debtors. The petitioner had duly filed rejoinder dated 29.07.2025 (Annexure P8) to the objections dated 09.07.2025. Vide impugned order dated 16.09.2025 (Annexure P6), the Execution Petition has been disposed of.

3. It is inter alia submitted by learned counsel for the petitioner that it is admitted, fact on record that the petitioner had worked as Labourer Officer-cum-Conciliation Officer from 22.01.2007 till he retired. It is also not disputed that the post of Labourer Officer-cum-Conciliation Officer is a promotional post and at that time it was vacant. Accordingly, the suit of the petitioner had been decreed by the learned Additional District Judge in unequivocal terms directing that petitioner is entitled to get his pay fixed in the pay scale of the Labourer-cum-Conciliation Officer. It is submitted that in this situation, the learned Executing Court could not refuse to execute the decree in favour of the petitioner. It is contended that it is incumbent upon the Executing Court to execute the decree as passed. The order passed by the learned Executing Court is based on conjectures and surmises and is against facts and law. However, in the present case, the passing of the impugned order reflects grave violation of the said mandate of law. It is accordingly prayed that the impugned order be set aside.



4. No other argument is raised on behalf of the petitioner. I have heard learned counsel and perused the record in detail. I find no merit in the submissions advanced on behalf of the petitioner.

5. The Additional District Judge vide judgment and decree dated 06.09.2012 (Annexure P2) had partly allowed the Civil Appeal of the defendants and modified the decree passed by the trial court, as follows: –

“29. Hence, in view of above discussion, the appeal is partly accepted The plaintiff is held entitled to get his pay fixed in the pay scale of Labour-cum- Conciliation Officer w.e.f 22.01.2007 to 31.08.2007 but he is not entitled to revision of pension on the pay scale of Labour-cum-Conciliation Officer but is only entitled to affixation of pension as per the pay scale of Labour Inspector Decree be drawn accordingly. After due compliance. file be consigned to record room. Trial Court record alongwith copy of judgment be sent.”

6. As noted above, against the abovesaid judgment and decree dated 06.09.2012 of the First Appellate Court, the petitioner had preferred RSA-5198-2012. The said RSA was dismissed by this Court in the following terms: -

“Perusal of the posting order, it is crystal clear that stop-gap arrangement against the direct quota post has been made. Appellant was never promoted to the post of Labour Officer-cum-



Conciliation Officer. Unless and until, appellant enters the cadre of Labour-cum-Conciliation Officer in accordance with the rules of recruitment viz; in the promotional quota, he is not entitled to claim any service benefits against the post of Labour Officer-cum-Conciliation Officer. Statutory rule will prevail over the executive order. Merely posting order to the higher post that too when condition has been imposed to the extent that against direct quota and in his own pay scale with immediate effect and the same has also not been questioned, consequently, it is binding on the appellant. Counsel for the appellant relied on 2 decisions cited supra. In the case of Subhash Chander cited supra, petitioner was appointed on officiating basis. Therefore, a right is created in him to claim service benefits against the post where he was appointed. Whereas, the cited decision of Subhash Chandra and Vijay Kumar cited supra are distinguishable to the extent that no legal right has been created in the present case. When the source method of recruitment to the post of Labour Officer-cum-Conciliation Officer is by way of direct recruitment and promotion, unless and until appellant is promoted to the promotional post read with promotional quota, he is not entitled to any service benefit attached to the post including fixation of pay and pension in the cadre of Labour Officer-cum-Conciliation Officer. At the best, appellant is entitled to charge allowance, if any having regard to the fact that he has discharged the duties of the higher post during the period of 22.01.2007 to 31.08.2007. Thus, there is no infirmity in the Appellate Court order dated 06.09.2012.”

7. From a bare reading of the above, it is clear that this Court has categorically held that the petitioner is not entitled to any service benefit



attached to the office of Labour Officer-cum-Conciliation Officer; and at best the petitioner is entitled to charge allowance.

8. In the impugned order, the learned Executing Court has categorically recorded the contention of the respondents that *“there is no charge allowance attached to the post and thus, no charge allowance could have been claimed by the decree-holder in view of judgment dated 02.05.2018 passed by the Hon’ble High Court.”* Clearly therefore, the decree sought to be executed by the petitioner was inexecutable as the same had been modified by this Court vide order dated 02.05.2018. It is not the case of the petitioner that the said order has been challenged by the petitioner before the Hon’ble Supreme Court. In this view of the matter, I find no infirmity in the impugned order dated 16.09.2025 passed by the learned Executing Court. Relevant extract of the said order reads as follows:-

“7. Now perusal of the above mentioned observation given by the Hon'ble High Court clearly shows that the decree-holder was held not entitled to any service benefit attached to the post including fixation of pay and pension in the cadre of Labour Officer-cum-Conciliation Officer though he was held entitled to charge allowance, if any regarding the duties performed by him from 22.01.2007 to 31.08.2007. Thus, it is clearly mentioned in the judgment passed by the Hon'ble High Court that the decree-holder was not entitled to any relief which was granted by the learned Trial Court and which was modified by the learned Appellate Court. Learned counsel for the decree-holder has submitted that there is



no charge allowance attached to the post and thus, no charge allowance could have been claimed by the decree-holder in view of judgment dated 02.05.2018 passed by the Hon'ble High Court. Now it is the decree-holder who had gone into appeal against the judgment passed by learned Appellate Court wherein the relief was partly allowed in favour of the DH, however, since the Hon'ble High Court has already observed that the decree-holder was not entitled to any relief and thus, the execution of order passed by learned Appellate Court cannot be proceeded with as no relief has been granted by the Hon'ble High Court rather the appeal filed by the decree-holder has been dismissed by observation that he could not have been granted any relief. No doubt the decree-holder had filed rejoinder to the objections of the JDs wherein he has reiterated the factum of his employment, his promotion, his retirement and grant of benefit to some other employee, however, those facts have already been agitated before the learned Courts and no question of agitating the same again in the present execution arises particularly when, there is nothing in favour of the decree-holder to be executed at this stage after decision of Hon'ble High Court. If the DH was aggrieved of the judgment passed by the Hon'ble High Court on 02.05.2018 in RSA No. 5198 of 2012, then, the appropriate remedy available to the decree-holder was to challenge the said judgment before the Hon'ble Supreme Court of India which he admittedly, did not challenge. In these circumstances, the execution petition filed by the decree-holder is not maintainable and the same is hereby disposed of being unexecutable. File be consigned to record room after due compliance."



9. Learned counsel for the petitioner is unable to dispute or controvert the aforesaid facts and findings.
10. Accordingly, in view of the above, present petition stands **dismissed.**
11. Pending application(s) if any also stand(s) disposed of.

10.03.2026
Sunena

(Nidhi Gupta)
Judge

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