

CR-4782-2024

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

**Date of decision : 13.03.2026**

**CR-4782-2024**

Pawan Kumar Singhal

..... Petitioner

Versus

The Haryana Dairy Development  
Cooperative Federation Limited & anr.

..... Respondents

**CR-3397-2025**

Pawan Kumar Singhal

..... Petitioner

Versus

The Haryana Dairy Development  
Cooperative Federation Limited & anr.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

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Present :- Mr. B.S.Jaswal, Advocate  
for the petitioner.

Mr. Prateek Mahajan, Advocate and  
Mr. Kunal Soni, Advocate  
for respondent No.1 (both cases).

Mr. Naveen Singh Panwar, D.A.G., Haryana

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**PANKAJ JAIN, J. (ORAL)**

1 This order shall dispose off above mentioned two petitions.



2 For almost five decades the petitioner is fighting for his rights. Petitioner herein was employed as a Shift Engineer with the respondents. He was placed under suspension on 21.12.1976 for having misused vehicle of the employer. FIR No.239 dated 02.06.1978 was registered. Matter was investigated by the Vigilance Department. In the investigation, nothing incriminating was found against the petitioner. On 10.08.1982 Chief Judicial Magistrate dropped the case against the petitioner. However, his suspension continued.

3 Continuation of suspension led to filing of civil suit on 21.07.1986 whereby the petitioner sought decree of mandatory injunction in form of directions to his employer to release arrears of his salary. The suit was decreed on 16.03.1991. The employer preferred an appeal. During the pendency of the appeal, an execution application was filed by the petitioner. Appeal was dismissed vide judgment and decree dated 21.03.1992. The employer preferred RSA No.1928 of 1992. The same was also dismissed vide order dated 09.09.1993 observing as under :-

*"I have given consideration to the rival arguments. The matter is very simple. The subsistence allowance has to be paid to the employee according to the Rules. Neither the judgment of the trial court nor that of the said lower appellate court nor could say that the subsistence allowance has to be paid to the employee without complying with above referred rules."*

4 Dissatisfied, the employer preferred SLP. Special leave was granted. Civil appeal was finally dismissed vide order dated 05.08.1997.



Having lost the first round of *lis*, employer though reinstated the petitioner on 03.11.1997, but did not release the benefits claiming that the employee was gainfully employed during the interregnum period and the consequential benefits have to abide by the mandate of Rule 7.2 of the Punjab Civil Services Rules (for short, 'the PCS Rules'), Vol.I Part I.

5           Petitioner filed second execution application in 1998. Employer preferred objections against the same. Objections were dismissed vide order dated 31.08.2000 by the Executing Court. The order was assailed before this Court in CR No.314 of 2001. The revision petition was partly allowed on the basis of additional affidavit filed by the decree holder vide order dated 10.05.2001. The order was again assailed before the Supreme Court. Supreme Court vide order dated 07.02.2008 set aside the order passed by the High Court observing as under :-

*“It is unfortunate that the High Court in revision petition accepted such additional affidavit and passed a decree on the basis of the additional affidavit which is clearly impermissible under the law. What the High Court could have done was to remand the affidavit to the Executing Court for consideration afresh by adducing evidence either oral or documentary, instead of passing a decree on such additional affidavit/evidence.*

*In the result, the order of the High Court is not sustainable in law. The said judgment is set aside. Let the affidavit dated 07.05.2001 be considered by the Executing Court afresh after affording opportunity of filing objections and leading evidence oral or documentary, if any, to the parties. The Executing Court after hearing the parties shall pass*

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*appropriate order in terms of Rule 7.2 and 7.3 of the Rules. Since the suit is of 1986, the Executing Court shall expedite the hearing. The appeal is disposed of accordingly. No costs.”*

6 From the records, it is discernable that after the order of remand, the petitioner-decree holder failed to appear before the Executing Court on 03.10.2009. The execution application was dismissed for non-prosecution. An application was again moved seeking restoration of the execution application on the pretext that the petitioner had wrongly noted date as ‘03.04.2010’ instead of ‘03.10.2009’. The application was dismissed.

7 This led to filing of third execution application which stands dismissed by the Executing Court vide order dated 18.03.2024 holding the same to be barred by limitation.

8 Petitioner filed CR No.4782 of 2024 assailing order dated 18.03.2024. Subsequent to the filing of the said petition, another CR No.3397 of 2025 has also been preferred by the Decree Holder assailing order dated 03.10.2009 whereby execution application was dismissed for non-prosecution. Further challenge was raised against order dated 24.02.2014 whereby application filed seeking restoration of execution application, has been dismissed.

9 Mr. Prateek Mahajan, Advocate for respondent No.1 submits that CR No.3397 of 2025 is not maintainable having been filed after an inordinate delay of 11 years.

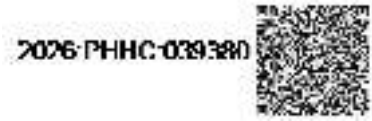


10 I have heard learned counsel for the parties and have gone through the records of the case.

11 So far as the objection raised by Mr. Mahajan, Advocate with regard to the revision being barred by limitation is concerned, this Court finds that the same cannot be accepted for the reason that the order passed by Executing Court is apparently in the teeth of the remand order passed by the Supreme Court. After the objections filed by the JD were dismissed by the Executing Court and were partly accepted in *CR No.314 of 2001* by the High Court, Supreme Court in SLP No.7957 of 2001 remanded the matter back to the Executing Court to decide afresh after considering affidavit dated 07.05.2001 filed by decree holder and after affording an opportunity to file objections and lead oral or documentary evidence, if any to the parties. The affidavit dated 07.05.2001 of decree holder is concerned, the same was already on record. Similarly the objections filed by the JD were already on record.

12 In case any of the parties failed to lead evidence in support of its claim, the Executing Court should have passed an appropriate order in terms of Rules 7.2 and 7.3 of the PCS Rules, as directed by the Supreme Court, instead of dismissing the execution application for non-prosecution. Since this Court finds that the order dated 03.10.2009 cannot be sustained being in teeth of the orders passed by the Supreme Court all subsequent proceedings are hereby set aside. Parties are directed to appear before the Executing Court on 06.04.2026.

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13            Keeping in view that the present *lis* relates to suit filed in the year 1986 and the decree passed on 16.03.1991 as upheld by Supreme Court vide order dated 05.08.1997, this Court is sanguine that the Executing Court shall decide the executing application after affording two opportunities each to both the parties to lead evidence.

14            In view thereof, this Court directs the Executing Court to decide the execution strictly in terms of order dated 07.02.2008 passed by Supreme Court on the basis of the material already on record as there is no need for leading any ocular evidence.

15            Revision petitions are disposed off.

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

**13.03.2026**  
*Pooja Sharma-I*

**( PANKAJ JAIN )**  
**JUDGE**

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